

STATE OF WISCONSIN  
IN SUPREME COURT

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No. 2021AP1450-OA

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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  
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,

Invervenors-Respondents.

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**ANSWER TO OMNIBUS AMENDED PETITION BY  
WISCONSIN ELECTIONS COMMISSION  
RESPONDENTS**

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Answering the Omnibus Amended Petition in the above matter, Respondents Wisconsin Elections Commission and Marge Bostelmann, Julie Glancey, Ann Jacobs, Dean Knudson, Robert Spindell, Jr., and Mark Thomsen, in their

official capacities as members of the Wisconsin Elections Commission (collectively, the “WEC Respondents”), hereby ADMIT, DENY, and ALLEGE as follows:

### **ISSUE PRESENTED**

1. ADMIT that the issue presented to the Court in this action include the issues described in paragraph 1. The WEC Respondents take no position on the allegations in this paragraph.

2. ADMIT that the issue presented to the Court in this action include the issues described in paragraph 2. The WEC Respondents take no position on the allegations in this paragraph.

3. ADMIT that the issue presented to the Court in this action include the issues described in paragraph 3. The WEC Respondents take no position on the allegations in this paragraph.

4. ADMIT that the issue presented to the Court in this action include the issues described in paragraph 4. The WEC Respondents take no position on the allegations in this paragraph.

5. ADMIT that the issue presented to the Court in this action include the issues described in paragraph 5. The WEC Respondents take no position on the allegations in this paragraph.

6. ADMIT that the issue presented to the Court in this action include the issues described in paragraph 6. The WEC Respondents take no position on the allegations in this paragraph.

7. ADMIT that the issue presented to the Court in this action include the issues described in paragraph 7. The WEC Respondents take no position on the allegations in this paragraph.

### **INTRODUCTION**

8. ADMIT that the 2020 census results show population changes in different geographic areas, but otherwise ALLEGE that those census results speak for themselves, and DENY any characterization of them contrary to their express terms. Further ALLEGE that the United States and Wisconsin Constitutions require that congressional and state legislative districts be reapportioned on the basis of population data obtained in each decennial

U.S. census and that Wisconsin's current districts must be reapportioned prior to any future congressional or state legislative election. *See* U.S. Const., art. I, §§ 2, 4; U.S. Const. amend. XIV, § 2; Wis. Const., art. IV, § 3. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

9. ADMIT that the 2020 census results show population changes in different geographic areas, but otherwise ALLEGE that those census results speak for themselves, and DENY any characterization of them contrary to their express terms. Further ALLEGE that the United States and Wisconsin Constitutions require that congressional and state legislative districts be reapportioned on the basis of population data obtained in each decennial U.S. census and that Wisconsin's current districts must be reapportioned prior to any future congressional or state legislative election. *See* U.S. Const., art. I, §§ 2, 4; U.S. Const. amend. XIV, § 2; Wis. Const., art. IV, § 3. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

10. ALLEGE that the court decision referred to in the paragraph speaks for itself, and DENY any characterization of it contrary to its express terms. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

11. ALLEGE that the court decision referred to in the paragraph speaks for itself, and DENY any characterization of it contrary to its express terms. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

12. ALLEGE that the constitutional provisions and court decisions referred to in the paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

13. ADMIT that population changes have occurred in various districts since the 2010 census, but LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY. In all other respects, ALLEGE

that this paragraph contains only legal conclusions to which no responsive pleading is required.

14. ALLEGE that the United States and Wisconsin Constitutions require that congressional and state legislative districts be reapportioned on the basis of the 2020 census data prior to any future congressional or state legislative election. See U.S. Const., art. I, §§ 2, 4; U.S. Const. amend. XIV, § 2; Wis. Const., art. IV, § 3. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

15. ADMIT.

16. ALLEGE that the constitutional provision referred to in this paragraph speaks for itself, and DENY any characterization of it contrary to its express terms. In all other respects, ALLEGE that the paragraph contains only legal conclusions to which no responsive pleading is required.

Further ALLEGE that, in addition to the powers and duties of state officials and state courts, federal courts have the power to ensure that congressional and state legislative districts are lawfully reapportioned on the basis of the 2020

census data prior to any future congressional or state legislative election.

17. ADMIT that federal and state courts have concurrent jurisdiction to decide redistricting matters. ALLEGE that the court decision referred to in this paragraph speaks for itself, and DENY any characterization of it contrary to its express terms. In all other respects, ALLEGE that the paragraph contains only legal conclusions to which no responsive pleading is required.

18. ALLEGE that the court decision referred to in this paragraph speaks for itself, and DENY any characterization of it contrary to its express terms. In all other respects, ALLEGE that the paragraph contains only legal conclusions to which no responsive pleading is required.

19. ALLEGE that the court decision referred to in this paragraph speaks for itself, and DENY any characterization of it contrary to its express terms. In all other respects, ALLEGE that the paragraph contains only legal conclusions to which no responsive pleading is required.

20. ALLEGE that the court decision referred to in this paragraph speaks for itself, and DENY any



characterization of it contrary to its express terms. In all other respects, ALLEGE that the paragraph contains only legal conclusions to which no responsive pleading is required.

21. ALLEGE that the paragraph contains only legal conclusions to which no responsive pleading is required.

22. ALLEGE that the court decision referred to in this paragraph speaks for itself, and DENY any characterization of it contrary to its express terms. In all other respects, ALLEGE that the paragraph contains only legal conclusions to which no responsive pleading is required.

23. ALLEGE that the order referred to in this paragraph speaks for itself, and DENY any characterization of it contrary to its express terms.

24. ALLEGE that the order and court decision referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms.

### **JURISDICTION AND VENUE**

25. ADMIT.

26. ADMIT.

27. ADMIT.

28. ADMIT.

## PARTIES

29. LACK knowledge or information sufficient to form a belief as to the truth of any factual allegations in this paragraph, and thus DENY. In all other respects, ALLEGE that the paragraph contains only legal conclusions to which no responsive pleading is required.

30. ADMIT the allegations in the first sentence of this paragraph. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

31. ADMIT the allegations in the first sentence of this paragraph. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

32. ADMIT the allegations in the first sentence of this paragraph. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

33. ADMIT the allegations in the first sentence of this paragraph. In all other respects, ALLEGE that this

paragraph contains only legal conclusions to which no responsive pleading is required.

34. ADMIT that BLOC Intervenor-Petitioners include three nonprofit groups, each with members or constituents who are citizens, residents, and qualified voters of the United States of America and the State of Wisconsin, residing in various counties and legislative districts. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations in the paragraph, and thus DENY. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

35. ADMIT the allegations in the first two sentences of this paragraph. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY.

36. ADMIT the allegations in the first sentence of this paragraph. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY.

37. ADMIT the allegations in the first three sentences of the paragraph. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY.

38. ADMIT that the BLOC Organizational Intervenor-Petitioners' members and constituents include voters who reside in various State Senate and Assembly districts in Wisconsin. ALLEGE that the population data referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

39. ADMIT that BLOC Intervenor-Petitioners include individual voters who reside in the legislative districts identified in this paragraph. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus

DENY. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

40. ADMIT.

41. ADMIT.

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46. ADMIT.

47. ADMIT.

48. ADMIT.

49. ADMIT.

50. ADMIT the allegations in the first sentence of this paragraph. ALLEGE that the remainder of the paragraph contains only legal conclusions to which no responsive pleading is required.

51. ADMIT the allegations in the first sentence of this paragraph. ALLEGE that the remainder of the paragraph contains only legal conclusions to which no responsive pleading is required.

52. ADMIT the allegations in the first sentence of this paragraph. ALLEGE that the remainder of the paragraph contains only legal conclusions to which no responsive pleading is required.

53. ADMIT the allegations in the first sentence of this paragraph. ALLEGE that the remainder of the paragraph contains only legal conclusions to which no responsive pleading is required.

54. ADMIT the allegations in the first sentence of this paragraph. ALLEGE that the remainder of the paragraph contains only legal conclusions to which no responsive pleading is required.

55. ADMIT the allegations in the first sentence of this paragraph. ALLEGE that the remainder of the paragraph contains only legal conclusions to which no responsive pleading is required.

56. ALLEGE that the population data referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. ADMIT all other factual allegations in the paragraph.

ALLEGE that the remainder of the paragraph contains only legal conclusions to which no responsive pleading is required.

57. LACK knowledge or information sufficient to form a belief as to the truth of any factual allegations in this paragraph, and thus DENY.

58. ALLEGE that the population data referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. ADMIT all other factual allegations in the paragraph. ALLEGE that the remainder of the paragraph contains only legal conclusions to which no responsive pleading is required.

59. LACK knowledge or information sufficient to form a belief as to the truth of any factual allegations in this paragraph, and thus DENY.

60. ALLEGE that the population data referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. ADMIT all other factual allegations in the paragraph. ALLEGE that the remainder of the paragraph contains only legal conclusions to which no responsive pleading is required.

61. LACK knowledge or information sufficient to form a belief as to the truth of any factual allegations in this paragraph, and thus DENY.

62. ALLEGE that the population data referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. ADMIT all other factual allegations in the paragraph. ALLEGE that the remainder of the paragraph contains only legal conclusions to which no responsive pleading is required.

63. LACK knowledge or information sufficient to form a belief as to the truth of any factual allegations in this paragraph, and thus DENY.

64. ALLEGE that the population data referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. ADMIT all other factual allegations in the paragraph. ALLEGE that the remainder of the paragraph contains only legal conclusions to which no responsive pleading is required.

65. LACK knowledge or information sufficient to form a belief as to the truth of any factual allegations in this paragraph, and thus DENY.



66. ADMIT.

67. ADMIT.

68. ADMIT.

69. ALLEGE that the constitutional provisions referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

70. ADMIT all factual allegations in this paragraph. ALLEGE that the remainder of the paragraph contains only legal conclusions to which no responsive pleading is required.

71. ADMIT.

### **STATEMENT OF FACTS**

72. ADMIT.

73. ALLEGE that the court decision referred to in this paragraph speaks for itself, and DENY any characterization of it contrary to its express terms. Otherwise, ADMIT that every election cycle since 2012 has used the district plans enacted in August 2011, subject to adjustments ordered by the court in the referenced case.

74. ADMIT that the Wisconsin and United States Constitutions require that state legislative districts be reapportioned on the basis of population data obtained in each decennial U.S. census and that Wisconsin's current districts must be reapportioned prior to any future state legislative election. *See Wis. Const., art. IV, § 3; U.S. Const. amend. XIV, § 2.* ALLEGE that the court decision referenced in this paragraph speaks for itself, and DENY any characterization of it contrary to its express terms. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

75. ALLEGE that the paragraph contains only legal conclusions to which no responsive pleading is required.

76. ADMIT that the Wisconsin and United States Constitutions require that state legislative districts be reapportioned on the basis of population data obtained in each decennial U.S. census and that Wisconsin's current districts must be reapportioned prior to any future state legislative election. *See Wis. Const., art. IV, § 3; U.S. Const. amend. XIV, § 2.* In all other respects, ALLEGE that this paragraph

contains only legal conclusions to which no responsive pleading is required.

77. ADMIT that the referenced constitutional provision includes the quoted language.

78. ADMIT that the referenced constitutional provision includes the quoted language. ALLEGE that the referenced constitutional provision and court decision speak for themselves, and DENY any characterization of them contrary to their express terms. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

79. ALLEGE that the Wisconsin Constitution speaks for itself, and DENY any characterization of it contrary to its express terms. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

80. ALLEGE that the court decision referred to in the paragraph speaks for itself, and DENY any characterization of it contrary to its express terms. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

81. ALLEGE that the constitutional provisions and court decisions referred to in the paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

82. ALLEGE that the court decision referred to in the paragraph speaks for itself, and DENY any characterization of it contrary to its express terms. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

83. ALLEGE that the court decision referred to in the paragraph speaks for itself, and DENY any characterization of it contrary to its express terms. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

84. ALLEGE that the court decision referred to in the paragraph speaks for itself, and DENY any characterization of it contrary to its express terms. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

85. ALLEGE that the report referred to in this paragraph speaks for itself, and DENY any characterization of it contrary to its express terms.

86. ADMIT the factual allegations in the first sentence of this paragraph. ALLEGE that the census data, statutory provisions, and court decision referred to in the paragraph speak for themselves, and DENY any characterization of them contrary to their express terms.

87. ALLEGE that the court decision referred to in this paragraph speaks for itself, and DENY any characterization of it contrary to its express terms.

88. ADMIT.

89. ADMIT.

90. ALLEGE that 2020 U.S. census data was delivered to Wisconsin officials on August 12, 2021. LACK knowledge or information sufficient to form a belief as to the truth of any other allegations in this paragraph, and thus DENY.

91. ADMIT that 2020 census results that included the population of Wisconsin were announced on April 26, 2021. Otherwise ALLEGE that the 2020 census results speak

for themselves, and DENY any characterization of them contrary to their express terms.

92. ALLEGE that the 2010 and 2020 census results speak for themselves, and DENY any characterization of them contrary to their express terms.

93. ADMIT that Wisconsin currently has eight congressional districts. Otherwise ALLEGE that the 2020 census results speak for themselves, and DENY any characterization of them contrary to their express terms.

94. ALLEGE that the 2020 census results speak for themselves, and DENY any characterization of them contrary to their express terms.

95. ALLEGE that the 2020 census results speak for themselves, and DENY any characterization of them contrary to their express terms. Further ALLEGE that the United States Constitution requires that congressional districts be reapportioned on the basis of the 2020 census data prior to any future congressional election. *See* U.S. Const., art. I, §§ 2, 4; U.S. Const. amend. XIV, § 2. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

96. ADMIT that Petitioners reside in the 2nd and 8th Congressional Districts and that Congressman Gallagher represents the 8th Congressional District. ALLEGE that the 2020 census results speak for themselves, and DENY any characterization of them contrary to their express terms. Further ALLEGE that the United States Constitution requires that congressional districts be reapportioned on the basis of the 2020 census data prior to any future congressional election. *See* U.S. Const., art. I, §§ 2, 4; U.S. Const. amend. XIV, § 2. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

97. ADMIT.

98. ALLEGE that the 2020 census results speak for themselves, and DENY any characterization of them contrary to their express terms. Further ALLEGE that the Wisconsin and United States Constitutions require that state legislative districts be reapportioned on the basis of the 2020 census data prior to any future state legislative election. *See* Wis. Const., art. IV, § 3; U.S. Const. amend. XIV, § 2. In all other respects,

ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

99. ADMIT that the Petitioners reside in the indicated districts. ALLEGE that the 2020 census results speak for themselves, and DENY any characterization of them contrary to their express terms. In all other respects, ALLEGE that the paragraph contains only legal conclusions to which no responsive pleading is required.

100. ADMIT that BLOC Individual Intervenor-Petitioners and members and constituents of BLOC Organizational Intervenor-Petitioners reside in the indicated districts. ALLEGE that the census data referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. Further ALLEGE that the Wisconsin and United States Constitutions require that state legislative districts be reapportioned on the basis of the 2020 census data prior to any future state legislative election. *See* Wis. Const., art. IV, § 3; U.S. Const. amend. XIV. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.



101. ALLEGE that the census data referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. Further ALLEGE that the Wisconsin and United States Constitutions require that state legislative districts be reapportioned on the basis of the 2020 census data prior to any future state legislative election. *See Wis. Const., art. IV, § 3; U.S. Const. amend. XIV.* In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

102. ADMIT that Intervenor-Petitioners Citizen Mathematicians and Scientists reside in the indicated districts. ALLEGE that the census data referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. Further ALLEGE that the Wisconsin and United States Constitutions require that state legislative districts be reapportioned on the basis of the 2020 census data prior to any future state legislative election. *See Wis. Const., art. IV, § 3; U.S. Const. amend. XIV.* In all other respects, ALLEGE

that this paragraph contains only legal conclusions to which no responsive pleading is required.

103. ALLEGE that the Wisconsin and United States Constitutions require that state legislative districts be reapportioned on the basis of the 2020 census data prior to any future state legislative election. *See* Wis. Const., art. IV, § 3; U.S. Const. amend. XIV. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

104. ADMIT.

105. ALLEGE that the Wisconsin and United States Constitutions require that state legislative districts be reapportioned on the basis of the 2020 census data prior to any future state legislative election. *See* Wis. Const., art. IV, § 3; U.S. Const. amend. XIV. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

106. ALLEGE that the Wisconsin and United States Constitutions require that state legislative districts be reapportioned on the basis of the 2020 census data prior to any future state legislative election. *See* Wis. Const., art. IV,

§ 3; U.S. Const. amend. XIV. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

107. ADMIT.

108. ADMIT that the Legislature and Governor still may enact a new district plan without court intervention. ALLEGE that the court decision and law review article referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. In all other respects, ALLEGE that the paragraph contains only legal conclusions to which no responsive pleading is required.

109. ADMIT that the Legislature and Governor still may enact a new district plan without court intervention. ALLEGE that a new congressional and state legislative district plan needs to be in place no later than March 1, 2022, in order to enable staff of the Wisconsin Elections Commission to timely and effectively administer Wisconsin's next scheduled congressional and state legislative election. In all other respects, ALLEGE that the paragraph contains only legal conclusions to which no responsive pleading is required.

110. ALLEGE that the court decision referred to in the paragraph speaks for itself, and DENY any characterization of it contrary to its express terms. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

111. ADMIT the allegations in the first sentence of this paragraph. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY.

Further ALLEGE that a new congressional and state legislative district plan needs to be in place no later than March 1, 2022, in order to enable staff of the Wisconsin Elections Commission to timely and effectively administer Wisconsin's next scheduled congressional and state legislative election. Additionally ALLEGE that, in light of the fact that 2020 census data was not delivered to Wisconsin officials until August 12, 2021, and in light of the current partisan divisions between the Wisconsin Legislature and the Governor, there is a meaningful possibility that the Legislature and the Governor will not be able to put a new

district plan in place by March 1, 2022, without involvement of a court.

112. ADMIT that federal courts have been involved in Wisconsin's redistricting process in some previous decades. Further ADMIT that, during the 2010 redistricting cycle, Wisconsin had a Republican Governor and a Republican majority in both chambers of the Legislature. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY.

113. ADMIT that the Legislature and Governor enacted a legislative district plan in 2011, and that some districts were revised by court order. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

114. ADMIT the allegations in the first two sentences of this paragraph. Further ADMIT that the Legislature and Governor have not enacted a legislative district plan in every

decennial cycle, and that federal courts have been involved in the redistricting process in some previous decades. ALLEGE that the court decisions referred to in the paragraph speak for themselves, and DENY any characterization of them contrary to their express terms.

Further ALLEGE that a new congressional and state legislative district plan needs to be in place no later than March 1, 2022, in order to enable staff of the Wisconsin Elections Commission to timely and effectively administer Wisconsin's next scheduled congressional and state legislative election. Additionally ALLEGE that, in light of the fact that 2020 census data was not delivered to Wisconsin officials until August 12, 2021, and in light of the current partisan divisions between the Wisconsin Legislature and the Governor, there is a meaningful possibility that the Legislature and the Governor will not be able to put a new district plan in place by March 1, 2022, without involvement of a court.

115. ADMIT that the partisan primary for the next state legislative election in Wisconsin is scheduled for August 9, 2022, and that, on or before March 15, 2022, the

Wisconsin Elections Commission must send to each county clerk a Notice of Election that includes territorial information about any recent redistricting. *See* Wis. Stat. § 10.06(1)(f) (requiring a type A notice) and § 10.01(2)(a) (prescribing the content of a type A notice). Further ALLEGE that, independent of the March 15, 2022, notice deadline, a new legislative district plan needs to be in place no later than March 1, 2022, in order to enable staff of the Wisconsin Elections Commission to timely and effectively administer the partisan primary on August 9, 2022.

116. ALLEGE that the statute and court decision referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. Further ALLEGE that a new congressional and state legislative district plan needs to be in place no later than March 1, 2022, in order to enable staff of the Wisconsin Elections Commission to timely and effectively administer Wisconsin's next scheduled congressional and state legislative election. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus

DENY. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

117. ALLEGE that the United States and Wisconsin Constitutions require that congressional and state legislative districts be reapportioned on the basis of population data obtained in each decennial U.S. census and that Wisconsin's current districts must be reapportioned prior to any future congressional or state legislative election. *See* U.S. Const., art. I, §§ 2, 4; U.S. Const. amend. XIV, § 2; Wis. Const., art. IV, § 3. Further ALLEGE that, without regard to whether a new district plan is established by the Legislature and the Governor or by a court, such a plan needs to be in place no later than March 1, 2022, in order to enable staff of the Wisconsin Elections Commission to timely and effectively administer Wisconsin's next scheduled congressional and state legislative election. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY. In all other respects, ALLEGE that this paragraph



contains only legal conclusions to which no responsive pleading is required.

118. ADMIT that the Petitioners and the Congressmen seek the relief described in this paragraph. ALLEGE that the court decisions referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

119. ADMIT that the Intervenor-Petitioners Citizen Mathematicians and Scientists seek the relief described in this paragraph.

120. ADMIT that the Hunter Intervenors take the positions described in this paragraph. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

121. ADMIT that the BLOC Intervenor-Petitioners seek the relief and take the positions described in this paragraph. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

122. ADMIT that the Intervenor-Petitioners Citizen Mathematicians and Scientists take the positions described in this paragraph. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

123. ADMIT.

124. ADMIT.

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

125. ADMIT that the Petitioners and the Congressmen seek the relief and take the positions described in this paragraph. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

126. ADMIT that the Petitioners and the Congressmen seek the relief described in this paragraph, and that the Legislature and Governor still may enact a new

district plan without court intervention. ALLEGE that a new congressional and state legislative district plan needs to be in place no later than March 1, 2022, in order to enable staff of the Wisconsin Elections Commission to timely and effectively administer Wisconsin's next scheduled congressional and state legislative election. Further ALLEGE that injunctive relief against the WEC Respondents is not necessary or appropriate at the present time. In all other respects, ALLEGE that the paragraph contains only legal conclusions to which no responsive pleading is required.

127. ADMIT that the Petitioners and the Congressmen seek the relief and take the positions described in this paragraph. ALLEGE that the constitutional provisions and court decision referred to in the paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. In all other respects, ALLEGE that the paragraph contains only legal conclusions to which no responsive pleading is required.

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

128. ALLEGE that the 2020 Census results, the U.S. Constitution, and the Wisconsin Constitution speak for themselves, and DENY any characterization of them contrary to their express terms. Further ALLEGE that injunctive relief against the WEC Respondents is not necessary or appropriate at the present time. In all other respects, ALLEGE that the paragraph contains only legal conclusions to which no responsive pleading is required.

129. ALLEGE that the population data in the 2010 and 2020 census results speak for themselves, and DENY any characterization of them contrary to their express terms. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

130. ALLEGE that the population data in the 2010 and 2020 census results speak for themselves, and DENY any characterization of them contrary to their express terms.

LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

131. ALLEGE that the population data in the 2010 and 2020 census results speak for themselves, and DENY any characterization of them contrary to their express terms. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

132. ALLEGE that the population data in the 2010 and 2020 census results speak for themselves, and DENY any characterization of them contrary to their express terms. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

133. ADMIT that WEC is responsible for administering any election in accordance with the applicable district maps legally in effect at the time of the election. ALLEGE that the Wisconsin and United States Constitutions require that state legislative districts be reapportioned on the basis of the 2020 census data prior to any future state legislative election. *See* Wis. Const., art. IV, § 3; U.S. Const. amend. XIV. Further ALLEGE that injunctive relief against the WEC Respondents is not necessary or appropriate at the present time.

134. ALLEGE that the boundaries and populations of the existing congressional and state legislative districts speak for themselves, and DENY any characterization of them contrary to their express terms. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

135. LACK knowledge or information sufficient to form a belief as to the truth of any factual allegations in this paragraph, and thus DENY. In all other respects, ALLEGE that the paragraph contains only legal conclusions to which no responsive pleading is required.

136. ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

137. In response to BLOC Intervenor-Petitioners' request for relief in paragraph 137, the WEC Respondents ALLEGE as follows:

- The Wisconsin and United States Constitutions require that Wisconsin's state legislative districts be reapportioned on the basis of the 2020 census data prior to any future state legislative election.
- Without regard to whether a new legislative district plan is established by the Legislature and the Governor or by a court, such a plan needs to be in place no later than March 1, 2022, in order to enable staff of the Wisconsin Elections Commission to timely and effectively administer Wisconsin's next scheduled congressional and state legislative election.
- In light of the fact that 2020 census data was not delivered to Wisconsin officials until August 12, 2021, and in light of the current partisan divisions between the Wisconsin Legislature and the Governor, there is a meaningful possibility that the Legislature and the Governor will not be able to put a new district plan in place by March 1, 2022, without involvement of a court.
- The Wisconsin Elections Commission has no legal authority to create or alter district boundaries and no party has alleged any actual or imminent violation of the United States or Wisconsin Constitutions by any of the WEC Respondents. The WEC Respondents thus are not liable for BLOC Intervenor-Petitioners' costs, disbursements, or attorney's fees.

- Injunctive relief against the WEC Respondents is not necessary or appropriate at the present time.

138. ADMIT that the BLOC Intervenor-Petitioners seek the relief and take the positions described in this paragraph, and that the Legislature and Governor still may enact a new district plan without court intervention. ALLEGE that a new congressional and state legislative district plan needs to be in place no later than March 1, 2022, in order to enable staff of the Wisconsin Elections Commission to timely and effectively administer Wisconsin's next scheduled congressional and state legislative election. Further ALLEGE that the constitutional and statutory provisions referred to in the paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.



## HUNTER INTERVENORS' STATEMENT OF RELIEF SOUGHT

139. In response to the Hunter Intervenor's request for relief in paragraph 139, the WEC Respondents ALLEGE as follows:

- The United States and Wisconsin Constitutions require that Wisconsin's congressional and state legislative districts be reapportioned on the basis of the 2020 census data prior to any future congressional or state legislative election.
- Without regard to whether a new congressional and state legislative district plan is established by the Legislature and the Governor or by a court, such a plan needs to be in place no later than March 1, 2022, in order to enable staff of the Wisconsin Elections Commission to timely and effectively administer Wisconsin's next scheduled congressional and state legislative election.
- In light of the fact that 2020 census data was not delivered to Wisconsin officials until August 12, 2021, and in light of the current partisan divisions between the Wisconsin Legislature and the Governor, there is a meaningful possibility that the Legislature and the Governor will not be able to put a new district plan in place by March 1, 2022, without involvement of a court.
- The Wisconsin Elections Commission has no legal authority to create or alter district boundaries and no party has alleged any actual or imminent violation of the United States or Wisconsin Constitutions by any of the WEC Respondents. The WEC Respondents thus are not liable for Hunter Intervenor's costs, disbursements, or attorney's fees.

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

140. In response to the Intervenor-Petitioners Citizen Mathematicians and Scientists' request for relief in paragraph 140, the WEC Respondents ALLEGE as follows:

- The United States and Wisconsin Constitutions require that Wisconsin's congressional and state legislative districts be reapportioned on the basis of the 2020 census data prior to any future congressional or state legislative election.
- Without regard to whether a new congressional and legislative district plan is established by the Legislature and the Governor or by a court, such a plan needs to be in place no later than March 1, 2022, in order to enable staff of the Wisconsin Elections Commission to timely and effectively administer Wisconsin's next scheduled congressional and state legislative election.
- In light of the fact that 2020 census data was not delivered to Wisconsin officials until August 12, 2021, and in light of the current partisan divisions between the Wisconsin Legislature and the Governor, there is a meaningful possibility that the Legislature and the Governor will not be able to put a new district plan in place by March 1, 2022, without involvement of a court.
- Injunctive relief against the WEC Respondents is not necessary or appropriate at the present time.

- In all other respects, this paragraph contains only legal conclusions to which no responsive pleading is required.

### **REASONS WHY THIS COURT SHOULD TAKE JURISDICTION**

141. ADMIT that this Court has already assumed original jurisdiction over this matter and ALLEGE that it is thus unnecessary to develop further reasons why the Court should take jurisdiction. ALLEGE that the order referred to in this paragraph speaks for itself, and DENY any characterization of it contrary to its express terms.

142. ADMIT that this Court has already assumed original jurisdiction over this matter and ALLEGE that it is thus unnecessary to develop further reasons why the Court should take jurisdiction. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

143. ALLEGE that the constitutional provisions referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. In all other respects, ALLEGE that the paragraph contains

only legal conclusions to which no responsive pleading is required.

144. ALLEGE that the constitutional provisions referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. In all other respects, ALLEGE that the paragraph contains only legal conclusions to which no responsive pleading is required.

145. ALLEGE that this Court has already assumed original jurisdiction over this matter and that it is thus unnecessary to develop further reasons why the Court should take jurisdiction. In all other respects, ALLEGE that the paragraph contains only legal conclusions to which no responsive pleading is required.

146. ALLEGE that this Court has already assumed original jurisdiction over this matter and that it is thus unnecessary to develop further reasons why the Court should take jurisdiction. Further ALLEGE that the court decision referred to in this paragraph speaks for itself, and DENY any characterization of it contrary to its express terms. In all

other respects, ALLEGE that the paragraph contains only legal conclusions to which no responsive pleading is required.

147. ALLEGE that this Court has already assumed original jurisdiction over this matter and that it is thus unnecessary to develop further reasons why the Court should take jurisdiction. Further ALLEGE that without regard to whether a new congressional and legislative district plan is established by the Legislature and the Governor or by a court, such a plan needs to be in place no later than March 1, 2022, in order to enable staff of the Wisconsin Elections Commission to timely and effectively administer Wisconsin's next scheduled congressional and state legislative election.

148. ALLEGE that the order referred to in this paragraph speaks for itself, and DENY any characterization of it contrary to its express terms.

149. ADMIT.

150. ADMIT.

151. ADMIT.

152. ADMIT that it is unlikely that new maps could be in place before November 2021. LACK knowledge or information sufficient to form a belief as to the truth of any

other factual allegations or characterizations in this paragraph, and thus DENY.

153. ADMIT.

154. ALLEGE that without regard to whether a new congressional and legislative district plan is established by the Legislature and the Governor or by a court, such a plan needs to be in place no later than March 1, 2022, in order to enable staff of the Wisconsin Elections Commission to timely and effectively administer Wisconsin's next scheduled congressional and state legislative election.

155. ALLEGE that this Court has already assumed original jurisdiction over this matter and that it is thus unnecessary to develop further reasons why the Court should take jurisdiction. Further ALLEGE that without regard to whether a new congressional and legislative district plan is established by the Legislature and the Governor or by a court, such a plan needs to be in place no later than March 1, 2022, in order to enable staff of the Wisconsin Elections Commission to timely and effectively administer Wisconsin's next scheduled congressional and state legislative election.

156. The WEC Respondents take no position on the allegations in this paragraph.

### CONCLUSION

157. ADMIT that the Petitioners and the Congressmen seek the relief described in this paragraph. ALLEGE that the Legislature and Governor still may enact a new district plan without court intervention. Further ALLEGE that without regard to whether a new congressional and legislative district plan is established by the Legislature and the Governor or by a court, such a plan needs to be in place no later than March 1, 2022, in order to enable staff of the Wisconsin Elections Commission to timely and effectively administer Wisconsin's next scheduled congressional and state legislative election. Additionally ALLEGE that injunctive relief against the WEC Respondents is not necessary or appropriate at the present time. In all other respects, ALLEGE that the paragraph contains only legal conclusions to which no responsive pleading is required.

158. ADMIT that the Petitioners and the Congressmen seek the relief and take the positions described in this paragraph. In all other respects, ALLEGE that the

paragraph contains only legal conclusions to which no responsive pleading is required.

159. ADMIT that the BLOC Intervenor-Petitioners seek the relief and take the positions described in this paragraph. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

160. ADMIT that the Intervenor-Petitioners Citizen Mathematicians and Scientists seek the relief and take the positions described in this paragraph. ALLEGE that injunctive relief against the WEC Respondents is not necessary or appropriate at the present time. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

161. ADMIT that the Intervenor-Petitioners Citizen Mathematicians and Scientists seek the relief and take the positions described in this paragraph.



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

162. ADMIT that the Petitioners join the indicated portions of the omnibus amended petition and take the positions described in this paragraph.

163. ADMIT that the BLOC Intervenor-Petitioners join the portions of the omnibus amended petition indicated in this paragraph.

164. ADMIT that the Congressmen join the indicated portions of the omnibus amended petition and take the positions described in this paragraph.

165. ADMIT that the Hunter Intervenors join the portions of the omnibus amended petition indicated in this paragraph.

166. ADMIT that the Intervenors-Petitioners Citizen Mathematicians and Scientists join the portions of the omnibus amended petition indicated in this paragraph.

**DEFENSES**

1. The Wisconsin Elections Commission has no legal authority to create or alter district boundaries and no party

has alleged any actual or imminent violation of state or federal law by any of the WEC Respondents.

**WHEREFORE**, the WEC Respondents respectfully ask the Court to issue such orders as it deems just and proper to ensure that a new congressional and state legislative district plan for Wisconsin is in place no later than March 1, 2022.

Dated this 28th day of October 2021.

Respectfully submitted,

JOSHUA L. KAUL  
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