

IN THE SUPREME COURT OF WISCONSIN
No. 2021AP1450-OA

Billie Johnson, Eric O'Keefe, Ed Perkins and Ronald Zahn,
Petitioners,

Black Leaders Organizing for Communities, Voces de la Frontera, League of Women Voters of Wisconsin, Cindy Fallona, Lauren Stephenson, Rebecca Alwin, Congressman Glenn Grothman, Congressman Mike Gallagher, Congressman Bryan Steil, Congressman Tom Tiffany, Congressman Scott Fitzgerald, Lisa Hunter, Jacob Zabel, Jennifer Oh, John Persa, Geraldine Schertz, Kathleen Qualheim, Gary Krenz, Sarah J. Hamilton, Stephen Joseph Wright, Jean-Luc Thiffeault, and Somesh Jha,

Intervenors-Petitioners,

v.

Wisconsin Elections Commission, Marge Bostelmann in her official capacity as a member of the Wisconsin Elections Commission, Julie Glancey in her official capacity as a member of the Wisconsin Elections Commission, Ann Jacobs in her official capacity as a member of the Wisconsin Elections Commission, Dean Knudson in his official capacity as a member of the Wisconsin Elections Commission, Robert Spindell, Jr. in his official capacity as a member of the Wisconsin Elections Commission and Mark Thomsen in his official capacity as a member of the Wisconsin Elections Commission,

Respondents,

The Wisconsin Legislature, Governor Tony Evers, in his official capacity, and Janet Bewley Senate Democratic Minority Leader, on behalf of the Senate Democratic Caucus,

Intervenors-Respondents.

Original Action in the Wisconsin Supreme Court

RESPONSE TO THE CONGRESSMEN'S MOTION TO SUBMIT A
MODIFIED VERSION OF THEIR PROPOSED REMEDIAL
CONGRESSIONAL MAP BY INTERVENOR-PETITIONERS BLACK
LEADERS ORGANIZING FOR COMMUNITIES, VOCES DE LA

FRONTERA, LEAGUE OF WOMEN VOTERS OF WISCONSIN,
CINDY FALLONA, LAUREN STEPHENSON & REBECCA ALWIN

Douglas M. Poland
State Bar No. 1055189
Jeffrey A. Mandell
State Bar No. 1100406
Colin T. Roth
State Bar No. 1103985
Rachel E. Snyder
State Bar No. 1090427
Richard A. Manthe
State Bar No. 1099199
Carly Gerads
State Bar No. 1106808
STAFFORD ROSENBAUM LLP
222 West Washington Ave., #900
P.O. Box 1784
Madison, WI 53701-1784
dpoland@staffordlaw.com
jmandell@staffordlaw.com
croth@staffordlaw.com
rsnyder@staffordlaw.com
rmanthe@staffordlaw.com
cgerads@staffordlaw.com
608.256.0226

Mel Barnes
State Bar No. 1096012
LAW FORWARD, INC.
P.O. Box 326
Madison, WI 53703-0326
mbarnes@lawforward.org
608.535.9808

Mark P. Gaber*
Christopher Lamar*
Simone T. Leeper*
CAMPAIGN LEGAL CENTER
1101 14th St. NW Suite 400
Washington, DC 20005
mgaber@campaignlegal.org
clamar@campaignlegal.org
sleeper@campaignlegalcenter.org
202.736.2200

Annabelle Harless*
CAMPAIGN LEGAL CENTER
55 W. Monroe St., Ste. 1925
Chicago, IL 60603
aharless@campaignlegal.org
312.312.2885

*Counsel for Intervenor-Petitioners,
Black Leaders Organizing for
Communities, Voces de la Frontera,
the League of Women Voters of
Wisconsin, Cindy Fallona, Lauren
Stephenson, and Rebecca Alwin*

*Admitted *pro hac vice*

Pursuant to this Court’s January 4, 2022, order, BLOC Petitioners submit this response to the motion by Intervenor-Petitioners Congressmen Glenn Grothman, Mike Gallagher, Bryan Steil, Tom Tiffany, and Scott Fitzgerald (the “Congressmen”) seeking leave to submit a modified version of their proposed remedial map.

Because BLOC Petitioners have not submitted a proposed congressional map, they do not oppose the Congressmen’s proposed modified map itself. Rather, they oppose the Congressmen’s motion to ensure that all parties—including those that have submitted state legislative proposals—play by the rules the Court set in its November 17, 2021, scheduling order. In that order, the Court allowed parties who filed “a” proposed map and “subsequently determine[] that it merits a correction or modification” to seek the Court’s leave to “amend the proposed map.” (11/17/21 Order at 3)

That is not what the Congressmen seek to do. Rather than correcting or modifying their original proposal, the Congressmen seek leave to present *two different proposals* to the Court for its consideration—both their original map and, alternatively, the modified map accompanying their motion. (See Congressmen Br. ¶¶ 7–8.) But the Court’s order only contemplates parties offering a *single* map for the Court’s consideration. (11/17/21 Order at 3 (contemplating “a” proposed map and noting that a party may seek leave to “amend *the* proposed map”) (emphasis added)) At bottom, it would be unfair for one party to submit multiple proposals while all others have only offered one.

BLOC Petitioners have submitted their own (unopposed, with one exception) motion for leave to file a corrected proposal, which complies with the letter and spirit of the Court’s November 17 order. There, BLOC Petitioners explain that their original proposal required technical

corrections and seek leave to *replace* that original proposal with a corrected one. In other words, recognizing that their original proposal contained some minor, inadvertent errors, BLOC Petitioners sought to revise their maps to eliminate those errors. All other parties (save one) presumably recognized the need to put before the Court maps that are correct, and, consequently, do not oppose that effort. That request properly aligns with the Court's scheduling order, and it does not improperly seek two alternative bites at the apple.

Similarly, BLOC Petitioners' identification of a hypothetical, demonstrative six-VRA-district plan in their reply brief differs from the Congressmen's effort here. There, BLOC Petitioners do not proffer an alternative proposal for the Court's consideration. Rather, BLOC Petitioners offer that demonstrative plan solely as evidence that shows how the Legislature's plan would violate the VRA and depart from a "least-change" approach. BLOC Petitioners, unlike the

Congressmen, remain committed to their single (corrected) proposal.

Dated: January 5, 2022.

By Electronically signed by Douglas M. Poland

Douglas M. Poland, SBN 1055189

Jeffrey A. Mandell, SBN 1100406

Colin T. Roth, SBN 1103985

Rachel E. Snyder, SBN 1090427

Richard A. Manthe, SBN 1099199

Carly Gerads, SBN 1106808

STAFFORD ROSENBAUM LLP

222 West Washington Avenue, Suite 900

P.O. Box 1784

Madison, WI 53701-1784

dpoland@staffordlaw.com

jmandell@staffordlaw.com

croth@staffordlaw.com

rsnyder@staffordlaw.com

rmanthe@staffordlaw.com

cgerads@staffordlaw.com

608.256.0226

Mel Barnes, SBN 1096012

LAW FORWARD, INC.

P.O. Box 326

Madison, WI 53703-0326

mbarnes@lawforward.org

608.535.9808

Mark P. Gaber*
Christopher Lamar*
Simone T. Leeper*
CAMPAIGN LEGAL CENTER
1101 14th St. NW Suite 400
Washington, DC 20005
mgaber@campaignlegal.org
clamar@campaignlegal.org
sleeper@campaignlegalcenter.org
202.736.2200

Annabelle Harless*
CAMPAIGN LEGAL CENTER
55 W. Monroe St., Ste. 1925
Chicago, IL 60603
aharless@campaignlegal.org
312.312.2885

*Admitted *pro hac vice*

*Attorneys for Intervenor-Petitioners, Black
Leaders Organizing for Communities,
Voces de la Frontera, the League of
Women Voters of Wisconsin, Cindy
Fallona, Lauren Stephenson, and Rebecca
Alwin*

CERTIFICATION OF MAILING AND SERVICE

I certify that the foregoing Response to the Congressmen's Motion to Submit A Modified Version of Their Proposed Remedial Congressional Map by Intervenor-Petitioners, Black Leaders Organizing for Communities, Voces de la Frontera, the League of Women Voters of Wisconsin, Cindy Fallona, Lauren Stephenson, and Rebecca Alwin was emailed to the Clerk of the Supreme Court on January 5, 2022 and an original and 10 paper copies will be delivered to the Clerk by 12:00 p.m. on January 6, 2022.

I further certify that on January 5, 2022, I sent true and correct email copies of the foregoing Response to the Congressmen's Motion to Submit A Modified Version of Their Proposed Remedial Congressional Map by Intervenor-Petitioners, Black Leaders Organizing for Communities, Voces de la Frontera, the League of Women Voters of

Wisconsin, Cindy Fallona, Lauren Stephenson, and Rebecca Alwin, to all counsel of record.

By Electronically signed by Douglas M. Poland
Douglas M. Poland