

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

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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

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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