



## OFFICE OF THE CLERK

**Supreme Court of Wisconsin**

110 EAST MAIN STREET, SUITE 215

P.O. Box 1688

MADISON, WI 53701-1688

TELEPHONE (608) 266-1880

FACSIMILE (608) 267-0640

Web Site: [www.wicourts.gov](http://www.wicourts.gov)

January 10, 2022

**To:**

Richard M. Esenberg  
Anthony LoCoco  
Lucas Thomas Vebber  
Wisconsin Institute for Law & Liberty  
330 East Kilbourn Avenue, Suite 725  
Milwaukee, WI 53202-3141

Karla Z. Keckhaver  
Steven Killpatrick  
Thomas C. Bellavia  
Wisconsin Department of Justice  
P.O. Box 7857  
Madison, WI 53707-7857

Charles G. Curtis  
Perkins Coie LLP  
33 E. Main St., Ste. 201  
Madison, WI 53703-5411

Anthony D. Russomanno  
Brian P. Keenan  
Assistant Attorneys General  
P.O. Box 7857  
Madison, WI 53707

\*Address list continued on page 4.

You are hereby notified that the Court has entered the following order:

---

No. 2021AP1450-OA      Johnson v. Wisconsin Elections Commission

On December 30, 2020, intervenors-petitioners, Congressmen Glen Grothman, Mike Gallagher, Bryan Steil, Tom Tiffany, and Scott Fitzgerald (“Congressmen”) filed a motion for leave to submit an alternative version of their proposed remedial congressional map. The Congressmen’s motion indicates that they stand by the map they submitted on December 15, 2021, but acknowledge that some of the other proposed maps propose retaining a narrow configuration for District 3, so they offer an alternative version of a congressional map that would do this as well.

By order dated January 4, 2022, the court permitted the parties to respond to the Congressmen’s motion. Responses opposing the motion were filed by intervenor-respondent, Governor Tony Evers, intervenor-respondent, Senator Janey Bewley, intervenors-petitioners, Citizens Mathematicians and Scientists, intervenors-petitioners, Hunter, et al., and intervenors-

Page 2

January 10, 2022

No. 2021AP1450-OA Johnson v. Wisconsin Elections Commission

petitioners, Black Leaders Organizing for Communities, et al. (“BLOC”). The Legislature filed a letter taking no position on the motion.

Also pending before the court is a motion filed on January 3, 2022 by intervenors-petitioners, BLOC, et al., seeking leave to file a corrected version of their proposed remedial assembly and senate maps, and a motion filed on January 6, 2022 by intervenor-respondent, Governor Tony Evers, seeking leave to file a corrected version of his proposed remedial assembly and senate maps.

Our order of November 17, 2021, provided that parties could submit only a single set of maps and provided a process by which parties could file a motion to amend their maps. Consistent with our order, Governor Evers and BLOC brought motions to amend their maps. They ask us to disregard their initial maps and consider only their maps as amended. Because our prior order plainly contemplated this type of motion, both are properly granted.

The Congressmen's motion, however, is different-in-kind. It is not a motion to amend a previously submitted map. Rather, the Congressmen ask us to consider an alternative map while expressly standing by their initial map. In essence, the Congressmen ask us to accept two congressional maps from them, while accepting only one such map from every other party. This plainly runs afoul of our direction that each party may submit only a single set of maps. Therefore,

IT IS ORDERED that the motion of intervenors-petitioners, Congressmen Glen Grothman, Mike Gallagher, Bryan Steil, Tom Tiffany, and Scott Fitzgerald (“Congressmen”) is denied. The Congressmen's map, submitted as Exhibit A to its motion is not accepted and will not be further considered by the court;

IT IS FURTHER ORDERED that the motion of intervenors-petitioners, Black Leaders Organizing for Communities, et al., is granted. The corrected assembly and senate maps filed as Exhibits C and D to their January 3, 2022 motion shall replace the maps previously filed by these intervenors-petitioners on December 15, 2020; and

IT IS FURTHER ORDERED that the motion of intervenor-respondent, Governor Tony Evers, is granted. The corrected assembly and senate maps filed in Attachment C to his January 6, 2022 motion shall replace the maps previously filed by Governor Evers on December 15, 2020.

PATIENCE DRAKE ROGGENSACK, J. (*dissenting*). Redistricting is a new challenge for this court, and as such I would accept all assistance from all parties. The majority seems to hold this view for Governor Evers and the BLOC plaintiffs, but a different view for the Congressmen.

I don't know whether the second map the Congressmen would like to submit will be helpful or not. It is possible that it would have provided no more than what we actually will hear in rebuttal during oral arguments later this month.

Page 3

January 10, 2022

No. 2021AP1450-OA Johnson v. Wisconsin Elections Commission

In addition, I have already reviewed Governor Evers' map and that of the BLOC plaintiffs, as I assume most justices have. Therefore, the court is permitting Governor Evers and the BLOC plaintiffs to file second maps that have very significant changes. For example, Governor Evers'

- Original Assembly map had 174 Municipal splits, but his "corrected" map has 115 Municipal splits.
- His Senate map had 118 Municipal splits, but his "corrected" map has 76 Municipal splits.
- His original Assembly map also had 80 Town splits, but his "corrected" map has 50 Town splits.
- His original Senate map also had 55 Town Splits but his "corrected" map has 32.

The Governor is not making minor "corrections."

As explained above, I have studied the maps already submitted. Therefore, we should permit all to refile their maps or no party should do so. Because I would treat all parties the same and grant all three motions, I respectfully dissent from the portion of this Order that denies the Congressmen's motion.

I am authorized to state that Chief Justice ANNETTE KINGSLAND ZIEGLER and Justice REBECCA GRASSL BRADLEY join this dissent.

---

---

Sheila T. Reiff  
Clerk of Supreme Court

Page 4

January 10, 2022

No. 2021AP1450-OA Johnson v. Wisconsin Elections Commission

Address list continued:

Jeffrey A. Mandell  
Richard Manthe  
Douglas M. Poland  
Carly Gerads  
Rachel E. Snyder  
Stafford Rosenbaum LLP  
P.O. Box 1784  
222 West Washington Ave., Suite 900  
Madison, WI 53701-1784

Kevin M. St. John  
Bell Giftos St. John LLC  
Suite 2200  
5325 Wall Street  
Madison, WI 53718

Daniel R. Suhr  
Attorney at Law  
220 Madero Drive  
Thiensville, WI 53092

Misha Tseytlin  
Kevin M. LeRoy  
Troutman Pepper Hamilton Sanders LLP  
Suite 3900  
227 W. Monroe St.  
Chicago, IL 60606

Mel Barnes  
Law Forward, Inc.  
P.O. Box 326  
Madison, WI 53703

Aria C. Branch  
Daniel C. Osher  
Jacob D. Shelly  
Christina A. Ford  
William K. Hancock  
Elias Law Group LLP  
10 G Street, NE, Suite 600  
Washington, D.C. 20002

Annabelle E. Harless  
Campaign Legal Center  
55 W. Monroe St., Ste. 1925  
Chicago, IL 60603

Mark P. Gaber  
Christopher Lamar  
Simone T. Leeper  
Campaign Legal Center  
1101 14<sup>th</sup> St. NW, Ste. 400  
Washington, D.C. 20005

Adam K. Mortara  
Lawfair LLC  
125 S. Wacker Drive, Suite 300  
Chicago, IL 60606

Michael P. May  
Sarah A. Zylstra  
Tanner G. Jean-Louis  
Boardman & Clark, LLP  
P.O. Box 927  
Madison, WI 53701-0927

Tamara B. Packard  
Aaron G. Dumas  
Pines Bach, LLP  
122 West Washington Ave., Ste. 900  
Madison, WI 53703

David J. Bradford  
Jenner & Block, LLP  
353 North Clark St.  
Chicago, IL 60654

Jeffrey M. Harris  
Taylor A.R. Meehan  
James P. McGlone  
Consovy McCarthy, PLLC  
1600 Wilson Blvd., Ste. 700  
Arlington, VA 22209

Page 5

January 10, 2022

No. 2021AP1450-OA Johnson v. Wisconsin Elections Commission

Jakob E. Feltham  
Hawks Quindel, S.C.  
P.O. Box 2155  
Madison, WI 53703-2155

Ruth M. Greenwood  
Mary F. Brown  
Mark R. Haidar  
Meredith A. Manda  
Sarah A. Sadlier  
Corey M. Stewart  
The Election Law Clinic  
Harvard Law School  
6 Everett Street  
Cambridge, MA 02138

Elizabeth Edmondson  
Olivia Hoffman  
Jenner & Block LLP  
919 Third Avenue  
New York, NY 10022-3902

Jessica R. Amunson  
Rebecca Fate  
Sam Hirsch  
Jenner & Block  
1099 New York Ave. NW  
Washington, DC 20001-4412

John M. Devaney  
Perkins Coie LLP  
700 Thirteenth Street N.W., Suite 800  
Washington, D.C. 20005

Alison Boldt  
Robert Yablon  
University of Wisconsin Law School  
975 Bascom Mall  
Madison, WI 53706

Joseph S. Goode  
Mark M. Leitner  
John William Halpin  
Laffey Leitner & Goode  
325 E. Chicago Street, Suite 200  
Milwaukee, WI 53202