



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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March 9, 2022

Via Email and Hand Delivery

Ms. Sheila T. Reiff
Clerk of Supreme Court
110 East Main Street, Suite 215
Madison, WI 53701-1688

Re: *Johnson v. Wisconsin Elections Commission*,
Case No. 2021AP1450-OA

Dear Ms. Reiff:

We write on behalf of Respondents, Wisconsin Elections Commission and all six commissioners in their official capacities (the "Commission"), in the above-referenced original action.

This Court issued a decision, dated March 3, 2022, enjoining Wisconsin's existing legislative (and congressional) districts and ordering new district plans proposed by Governor Evers. The next day, the Wisconsin Legislature filed an expedited motion to stay this Court's injunction and order as it applies to Wisconsin's senate and assembly districts, pending the Legislature's appeal to the United States Supreme Court, which was later filed March 7. Also on March 7, this Court ordered that any party wishing to file a response to the Legislature's expedited motion may file a letter brief no later than by 11:00 a.m. today. The Commission files this letter brief in response.

Throughout this original action, the Commission has taken a neutral position on the merits of the case—that is, which party's maps, based on the results of the 2020 census, should govern the state's subsequent elections. Instead, the Commission has asserted that any redistricting 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." (E.g., Answer to Omnibus Amended Petition by Wisconsin Elections

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Commission Respondents ¶ 137; *see also* Commission Ltr. Br. dated Oct. 13, 2021.) This Court achieved that goal by ordering expedited briefing and argument throughout this action and ultimately issuing a final decision on March 3.

Although the Commission continues to take no position on the legal merits of any of the proposed maps, granting the Legislature's requested stay would be contrary to the goal of providing final state senate and assembly district maps in time for them to be properly implemented for the fall general election. As explained before, Commission staff needs to record the maps' new boundaries in WisVote, integrate the new redistricting data with existing voter registration and address data, and manually review ward map changes and parcel boundary data to ensure that each voter is correctly located in their proper districts. These tasks must be completed before the candidate nominating petition circulation period begins on April 15, because candidates need to know which district they reside in and which office they can run for, and voters need to know which candidates' petitions they can properly sign. This Court's March 3 injunction and order gives Commission staff the necessary time to complete this work and perform basic quality assurance checks on the data. Conversely, staying that decision on or after today's date would impair the Commission staff's ability to make necessary preparations for the April 15 beginning of the nominating petition circulation period.

Finally, if this Court were to issue a stay, the Commission would be left with the 2011 maps that sparked this original action in the first place—maps which all parties agree are unconstitutionally malapportioned.

Sincerely,

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SCK:srh

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