



March 24, 2022

Via Email & Hand Delivery

Sheila T. Reiff
Clerk of the Supreme Court and Court of Appeals
110 East Main Street, Suite 215
Madison, WI 53703

**RE: *Johnson v. Wisconsin Elections Commission*, No. 2021AP1450-OA –
Letter from Intervenor-Petitioners Black Leaders Organizing for
Communities, et al., in Response to the March 23, 2022 Order of the United
States Supreme Court Reversing and Remanding State Legislative Maps**

Dear Ms. Reiff:

The undersigned counsel represent Black Leaders Organizing for Communities, Voces de la Frontera, the League of Women Voters of Wisconsin, Cindy Fallona, Lauren Stephenson, and Rebecca Alwin, Intervenor-Petitioners (collectively the “BLOC Petitioners”) in the referenced action. On March 23, 2022, the United States Supreme Court issued an order reversing this Court’s March 3, 2022 opinion and order with respect to the legislative maps portion of this Court’s decision in *Johnson v. Wis. Elections Comm’n*, 2022 WI 14, __ Wis. 2d __, __ N.W. 2d __, and remanding for further proceedings. *Wis. Legislature, et al. v. Wis. Elections Comm’n, et al.*, 595 U.S. __ at 2 (2022). BLOC Petitioners write to respectfully propose procedures for further action by the Court on remand.

Given the imminent nature of Wisconsin’s elections and the relevant statutory deadlines for their administration,¹ it is critical that this Court act quickly to remedy the

¹ See Letter Briefs of Wisconsin Elections Commission dated March 9, 2022 and March 14, 2022 in this case, reiterating WEC’s position that maps need to be in place by “March 1, 2022, in order to enable staff of the Wisconsin Elections Commission to timely and effectively administer Wisconsin’s next scheduled

(once-again) unconstitutionally malapportioned state legislative districts. BLOC Petitioners have reviewed the proposed procedure for remand suggested by the Governor in a submission earlier today, and believe that it is appropriate in light of the U.S. Supreme Court's order. While the record before this Court contains a wealth of evidence supporting the need for seven Black opportunity Assembly districts in order to comply with Section 2 of the Voting Rights Act, the parties should be permitted to supplement the record with additional evidence demonstrating that the maps selected by this Court, the Governor's state Assembly and Senate plans, comply with the Voting Rights Act in light of the U.S. Supreme Court's ruling.

If this Court concludes that changes to the seven Voting Rights Act district configuration proposed by the Governor may be required, BLOC Petitioners suggest that the Court use the Governor's proposed Assembly plan, which this Court already held most closely adhere to the "least-change" approach under Wisconsin law, as a base map. The Court could then invite the parties to submit proposed alterations to the Milwaukee-area Voting Rights Act districts only in this base map. This procedure would keep with remedial principles as well as minimize the impact on election officials and candidates who have *already begun preparations* under the plans imposed by this Court earlier this month. The U.S. Supreme Court's order addresses and identifies *only* this Court's analysis of the Voting Rights Act as its basis for reversing this Court's March 3 opinion and order, and leaves untouched this Court's application of the "least-change" approach under Wisconsin law, which controls the vast majority of the Assembly districts across the state.

Sincerely,



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congressional and state legislative election" and noting that the WEC has already begun to implement the maps adopted by this Court.

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Cc:

By Email

All counsel of record