

FILED

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**CLERK OF SUPREME COURT
OF WISCONSIN**

IN THE SUPREME COURT OF WISCONSIN

No. 2023AP1399

REBECCA CLARKE, RUBEN ANTHONY, TERRY DAWSON, DANA GLASSTEIN, ANN GROVES-LLOYD, CARL HUJET, JERRY IVERSON, TIA JOHNSON, ANGIE KIRST, SELIKA LAWTON, FABIAN MALDONADO, ANNEMARIE MCCLELLAN, JAMES MCNETT, BRITTANY MURIELLO, ELA JOOSTEN (PARI) SCHILS, NATHANIEL SLACK, MARY SMITH-JOHNSON, DENISE SWEET AND GABRIELLE YOUNG,

Petitioners,

GOVERNOR TONY EVERS IN HIS OFFICIAL CAPACITY, NATHAN ATKINSON, STEPHEN JOSEPH WRIGHT, GARY KRENZ, SARAH J. HAMILTON, JEAN-LUC THIFFEAULT, SOMESH JHA, JOANNE KANE AND LEAH DUDLEY,

Intervenors-Petitioners,

v.

WISCONSIN ELECTIONS COMMISSION, DON MILLIS, ROBERT F. SPINDELL, JR., MARK L. THOMSEN, ANN S. JACOBS, MARGE BOSTELMANN, CARRIE RIEPL, IN THEIR OFFICIAL CAPACITIES AS MEMBERS OF THE WISCONSIN ELECTIONS COMMISSION; MEAGAN WOLFE IN HER OFFICIAL CAPACITY AS THE ADMINISTRATOR OF THE WISCONSIN ELECTIONS COMMISSION; ANDRE JACQUE, TIM CARPENTER, ROB HUTTON, CHRIS LARSON, DEVIN LEMAHIEU, STEPHEN L. NASS, JOHN JAGLER, MARK SPREITZER, HOWARD MARKLEIN, RACHAEL CABRAL-GUEVARA, VAN H. WANGGAARD, JESSE L. JAMES, ROMAINE ROBERT QUINN, DIANNE H. HESSELBEIN, CORY TOMCZYK, JEFF SMITH AND CHRIS KAPENGA IN THEIR OFFICIAL CAPACITIES AS MEMBERS OF THE WISCONSIN SENATE,

Respondents,

WISCONSIN LEGISLATURE, BILLIE JOHNSON, CHRIS GOEBEL, ED PERKINS, ERIC O'KEEFE, JOE SANFELIPPO, TERRY MOULTON, ROBERT JENSEN, RON ZAHN, RUTH ELMER AND RUTH STRECK,

Intervenors-Respondents.

**JOINT RESPONSE OF PETITIONERS, GOVERNOR TONY EVERS,
SENATORS CARPENTER *ET AL.*, AND ATKINSON INTERVENORS TO
THE COURT'S NOVEMBER 13, 2023 ORDER**

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Petitioners Rebecca Clarke *et al.*, Intervenor-Petitioner Governor Tony Evers, Respondents Senators Tim Carpenter *et al.*, and Intervenors-Petitioners Nathan Atkinson *et al.* (collectively, “Group One”), by their undersigned counsel, respond as follows to the Court’s November 13, 2023 Order regarding oral argument. While each party will be prepared to address questions the Court may pose, pursuant to the Order, Group One will divide the argument as follows:

1. Attorney Mark Gaber,¹ counsel for Petitioners, will address whether the existing state legislative maps violate the express contiguity requirements of Article IV, Sections 4 and 5 of the Wisconsin Constitution and how remedying that violation makes application of the Legislature and *Johnson* Intervenors’ least-change suggestions unworkable. Attorney Gaber will argue for 29 minutes.

2. Assistant Attorney General Anthony D. Russomanno, counsel for Intervenor-Petitioner Governor Tony Evers, will address whether the adoption of the existing state legislative maps violates the Wisconsin Constitution’s separation of powers between the Executive and Judicial Branches. Assistant Attorney General Russomanno will argue for 12 minutes.

3. Attorney Tamara B. Packard, counsel for the Democratic Senator Respondents, will address whether the adoption of the existing state legislative maps violates the Wisconsin Constitution’s separation of powers between the Legislative

¹ This Court admitted Attorney Gaber *pro hac vice* on August 8, 2023. Pursuant to Wis. Stat. § (Rule) 809.85(2)(b), attorneys for Petitioners admitted to practice in the State of Wisconsin shall be present in person and will introduce Attorney Gaber.

and Judicial Branches. She will also address the role of the Judicial Branch in crafting a remedy for the constitutional violations. Attorney Packard will argue for 12 minutes.

4. Attorney Sam Hirsch,² counsel for Intervenor-Petitioners Nathan Atkinson *et al.*, will address the standards and process that the Court should use in imposing a remedy for the constitutional violations. Attorney Hirsch will also answer questions regarding the pending joint motion requesting a corrected redistricting dataset from LTSB. Attorney Hirsch will argue for 12 minutes.

5. Group One reserves the remaining 15 minutes of its allotted time for rebuttal. Group One will divide that time as follows: Attorney Hirsch will argue for 5 minutes, then Assistant Attorney General Russomanno will argue for 3 minutes, then Attorney Packard will argue for 2 minutes, then Attorney Gaber will argue for the remaining 5 minutes.

6. Each of the four attorneys also may address any matters unique to their parties' positions.

7. Group One respectfully requests that the Court apply these agreed-upon time limits to each party, and not reduce a party's allotted argument time because any other party exceeded theirs.

² This Court admitted Attorney Hirsch *pro hac vice* on October 20, 2023. Pursuant to Wis. Stat. § (Rule) 809.85(2)(b), attorneys for Atkinson Intervenor admitted to practice in the State of Wisconsin shall be present in person and will introduce Attorney Hirsch.

Respectfully submitted this 16th day of November, 2023.

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