

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LISA HUNTER, et al.,

Plaintiffs,

v.

Case No. 3:21-CV-512-jdp-ajs-ec

MARGE BOSTELMANN, et al.,

Defendants,

THE WISCONSIN LEGISLATURE,

Intervenor-Defendant.

**ANSWER OF DEFENDANTS MARGE BOSTELMANN, JULIE M.
GLANCEY, ANN S. JACOBS, DEAN KNUDSON, ROBERT F.
SPINDELL, JR., AND MARK L. THOMSEN**

Answering the Complaint for Declaratory Relief in the above-captioned matter, Defendants Marge Bostelmann, Julie M. Glancey, Ann S. Jacobs, Dean Knudson, Robert F. Spindell, Jr., and Mark L. Thomsen, in their official capacities as members of the Wisconsin Elections Commission, hereby ADMIT, DENY, and ALLEGE as follows:

Nature of the Action

1. This is an action challenging Wisconsin's current legislative and congressional districts, which are unconstitutionally malapportioned. Plaintiffs ask this Court to declare Wisconsin's current legislative and congressional district plans

unconstitutional; enjoin Defendants from using the current district plans in any future election; and implement new legislative and congressional district plans that adhere to the constitutional requirement of one-person, one-vote should the Legislature and the Governor fail to do so.

ADMIT that Plaintiffs challenge Wisconsin's current legislative and congressional districts as unconstitutionally malapportioned, and that they seek the relief referenced in this paragraph. ALLEGE that the United States and Wisconsin Constitutions require that congressional and state legislative districts be reapportioned on the basis of population data obtained in each decennial U.S. census and that Wisconsin's current districts must be reapportioned prior to any future congressional or state legislative election. *See* U.S. Const., art. I, §§ 2, 4; U.S. Const. amend. XIV, § 2; Wis. Const., art. IV, § 3. Further ALLEGE as follows:

- The next general election for congressional and state legislative seats in Wisconsin is scheduled for November 8, 2022;
- The partisan primary for that election is scheduled for August 9, 2022;
- The period for candidates to circulate nominating petitions for the November 8, 2022, election will begin on April 15, 2022;
- In order for staff of the Wisconsin Elections Commission to be able to timely and effectively administer the November 8, 2022, election—including the nominating petition circulation process starting on April 15, 2022—a new congressional and state legislative district plan needs to be in place no later than March 1, 2022.

In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required. In the alternative, to the extent a response may be required, ALLEGE that the Wisconsin Elections Commission has no legal authority to create or alter district boundaries and that Plaintiffs have not alleged any actual or imminent violation of the United States or Wisconsin Constitutions by any of these answering Defendants.

2. On August 12, 2021, the U.S. Secretary of Commerce delivered census-block results of the 2020 Census to Wisconsin's Governor and legislative leaders. These data confirm the inevitable reality that population shifts that occurred during the last decade have rendered Wisconsin's state legislative and congressional districts unconstitutionally malapportioned. *See Arrington v. Elections Bd.*, 173 F. Supp. 2d 856, 860 (E.D. Wis. 2001) (three-judge court) (explaining that "existing apportionment schemes become instantly unconstitutional upon the release of new decennial census data" (internal quotation marks omitted)).

ADMIT that, on August 12, 2021, U.S. census data was delivered to Wisconsin officials. ALLEGE that the United States and Wisconsin Constitutions require that congressional and state legislative districts be reapportioned on the basis of the 2020 census data prior to any future congressional or state legislative election. *See* U.S. Const., art. I, §§ 2, 4; U.S. Const. amend. XIV, § 2; Wis. Const., art. IV, § 3. Further ALLEGE that a new congressional and state legislative district 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.

Additionally ALLEGE that the census results and the court decision referenced in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms.

In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required. In the alternative, to the extent a response may be required, ALLEGE that the Wisconsin Elections Commission has no legal authority to create or alter district boundaries and that Plaintiffs have not alleged any actual or imminent violation of the United States or Wisconsin Constitutions by any of these answering Defendants.

3. Specifically, the current district configurations of Wisconsin's State Assembly and State Senate, Wis. Stat. §§ 4.01-4.99 (State Assembly districts), 4.009 (State Senate districts), violate the Fourteenth Amendment to the U.S. Constitution, and the current configuration of Wisconsin's congressional districts, Wis. Stat. §§ 3.11-3.18, violates Article I, Section 2 of the U.S. Constitution. Because they are unconstitutional, the current legislative and congressional district plans cannot be used in any upcoming election, including the 2022 election.

ALLEGE that the United States and Wisconsin Constitutions require that congressional and state legislative districts be reapportioned on the basis of the 2020 census data prior to any future congressional or state legislative election. *See* U.S. Const., art. I, §§ 2, 4; U.S. Const. amend. XIV, § 2; Wis. Const., art. IV, § 3. Further ALLEGE that a new congressional and state

legislative district 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.

Additionally, ALLEGE that the constitutional and statutory provisions referred to in the paragraph speak for themselves, and DENY any characterization of them contrary to their express terms.

In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required. In the alternative, to the extent a response may be required, ALLEGE that the Wisconsin Elections Commission has no legal authority to create or alter district boundaries and that Plaintiffs have not alleged any actual or imminent violation of the United States or Wisconsin Constitutions by any of these answering Defendants.

4. Moreover, delays in the creation of new legislative and congressional plans threaten to violate Plaintiffs' right to associate under the First and Fourteenth Amendments to the U.S. Constitution.

ALLEGE that the constitutional and statutory provisions referred to in the paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required. In the alternative, to the extent a response may be required,

ALLEGE that the Wisconsin Elections Commission has no legal authority to create or alter district boundaries and that Plaintiffs have not alleged any actual or imminent violation of the United States or Wisconsin Constitutions by any of these answering Defendants.

5. In Wisconsin, legislative and congressional district plans ordinarily are enacted through legislation, which requires the consent of both legislative chambers and the Governor (unless both legislative chambers override the Governor's veto by a two-third vote). *See State ex rel. Reynolds v. Zimmerman*, 22 Wis. 2d 544, 553-59, 126 N.W.2d 551, 557-59 (1964); Wis. Const. art. V, § 10(2)(a).

ALLEGE that the constitutional provision and court decision referred to in the paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. Further ALLEGE that the Wisconsin Elections Commission has no legal authority to create or alter district boundaries. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

6. There is no reasonable prospect that Wisconsin's political branches will reach consensus to enact lawful legislative and congressional district plans in time to be used in the upcoming 2022 election. Governor Tony Evers is a Democrat, and the State Assembly and State Senate are controlled by Republicans (though they lack veto-proof majorities). In the last four decades, each time Wisconsin's political branches were split along partisan lines, federal judicial intervention was necessary to implement new state legislative plans. This history of frequent impasse led the Wisconsin Supreme Court to observe "the reality that redistricting is now almost always resolved through litigation rather than legislation." *Jensen v. Wis. Elections Bd.*, 2002 WI 13, ¶ 10, 249 Wis. 2d 706, 713, 639 N.W.2d 537, 540 (2002). If anything, in the wake of the 2018 and 2020 elections, the hyper-partisan divisions have only gotten worse, leading to a "very real possibility" that Wisconsin's political branches will fail to reach consensus on new legislative and congressional plans. *Arrington*, 173 F. Supp. 2d at 864.

ADMIT the factual allegations in the second sentence of this paragraph and ADMIT that federal courts have been involved in Wisconsin's redistricting process in some previous decades. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY. ALLEGE that the court decisions referred to in the paragraph speak for themselves, and DENY any characterization of them contrary to their express terms.

Further ALLEGE that a new congressional and state legislative district 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.

Additionally ALLEGE that, in light of the fact that 2020 census data was not delivered to Wisconsin officials until August 12, 2021, and in light of the current partisan divisions between the Wisconsin Legislature and the Governor, there is a meaningful possibility that the Legislature and the Governor will not be able to put a new district plan in place by March 1, 2022, without involvement of a court.

7. Given the high likelihood of impasse, this Court should prepare itself to intervene to protect the constitutional rights of Plaintiffs and voters across this State. While there is still time for the Legislature and Governor to enact new plans, this Court should assume jurisdiction now and establish a schedule that will enable the Court to adopt its own plans in the near-certain event that the political branches fail timely and effectively to do so.

ALLEGE that, without regard to whether a new congressional and state legislative district plan is established by the Legislature and the Governor or by a court, such a 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. ADMIT that there is still time for the Legislature and Governor to enact new plans. ALLEGE that there nonetheless is a meaningful possibility that the Legislature and the Governor will not be able to put a new district plan in place by March 1, 2022.

LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in this paragraph, and thus DENY.

8. This action “challeng[es] the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body.” 28 U.S.C. § 2284(a). Accordingly, a three-judge district court “shall be convened” for this case. *Id.* Plaintiffs respectfully request that this Court notify the Chief Judge of the U.S. Court of Appeals for the Seventh Circuit of this action and request that two judges be added to this Court for the purpose of adjudicating the merits of this dispute. *Id.* § 2284(b)(1).

ADMIT the allegations in the first sentence of this paragraph. As to the remainder of the paragraph, ALLEGE that, on August 18, 2021, the Chief Judge of the U.S. Court of Appeals for the Seventh Circuit assigned two additional judges to this case, pursuant to 28 U.S.C. § 2284(a) and (b)(1).

Jurisdiction and Venue

9. Plaintiffs bring this action under 42 U.S.C. § 1983 to redress the deprivation, under color of state law, of rights secured by the United States Constitution. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1343 because the matters in controversy arise under the Constitution and laws of the United States and involve the assertion of a deprivation, under color of state law, of a right under the Constitution of the United States. This Court has the authority to enter a declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202, and authority to enter injunctive relief under Federal Rule of Civil Procedure 65.

ADMIT the allegations in the first sentence of this paragraph. ALLEGE that the remainder of the paragraph contains only legal conclusions to which

no responsive pleading is required. Further ALLEGE that the statutes and rule referred to in the paragraph speak for themselves, and DENY any characterization of them contrary to their express terms.

10. This Court has personal jurisdiction over Defendants, who are sued in their official capacities and reside within this State.

ADMIT that Defendants are sued in their official capacities and reside within the State of Wisconsin. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

11. Venue is proper in the Western District of Wisconsin because a substantial part of the events that give rise to Plaintiffs' claims have occurred and will occur in this District, 28 U.S.C. § 1391(b)(2), and because all Defendants, who are sued in their official capacities, have their office in this District, *id.* § 1391(b)(1).

ADMIT that a substantial part of the events that give rise to Plaintiffs' claims have occurred and will occur in the Western District of Wisconsin. further ADMIT that all Defendants are sued in their official capacities and have their office in this District. ALLEGE that the statutes referenced in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

12. A three-judge district court has jurisdiction to adjudicate this dispute because Plaintiffs “challeng[e] the constitutionality of the apportionment of [Wisconsin’s] congressional districts or the apportionment of [Wisconsin’s] statewide legislative body.” 28 U.S.C. § 2284(a).

ALLEGE that the statute referenced in this paragraph speaks for itself, and DENY any characterization of it contrary to its express terms. In all other respects, ALLEGE that the paragraph contains only legal conclusions to which no responsive pleading is required.

13. Plaintiffs are citizens of the United States and are registered to vote in Wisconsin. Plaintiffs intend to advocate and vote for Democratic candidates in the upcoming 2022 primary and general elections. Plaintiffs reside in the following congressional and legislative districts.¹

ADMIT.

14. As the tables provided below demonstrate, Plaintiffs reside in districts that are overpopulated relative to other districts in the state. Plaintiffs Hunter, Zabel, and Oh’s congressional, State Senate, and State Assembly districts are all overpopulated. Plaintiff Persa’s State Senate and State Assembly districts (but not his congressional district) are overpopulated. And Plaintiff Schertz and Qualheim’s congressional and State Senate districts (but not their State Assembly district) are overpopulated. If the 2022 election is held pursuant to the maps that are currently in place, then Plaintiffs will be deprived of their right to cast an equal vote, as guaranteed to them by the U.S. Constitution.

ALLEGE that the United States and Wisconsin Constitutions require that congressional and state legislative districts be reapportioned on the basis

¹ Tabular data omitted.

of the 2020 census data prior to any future congressional or state legislative election. *See* U.S. Const., art. I, §§ 2, 4; U.S. Const. amend. XIV, § 2; Wis. Const., art. IV, § 3.

Further ALLEGE that the population data referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY.

Additionally ALLEGE that the last sentence of the paragraph contains only legal conclusions to which no responsive pleading is required. In the alternative, to the extent a response may be required, ALLEGE that the Wisconsin Elections Commission has no legal authority to create or alter district boundaries and that Plaintiffs have not alleged any actual or imminent violation of the United States or Wisconsin Constitutions by any of these answering Defendants.

15. Defendants Marge Bostelmann, Julie M. Glancey, Ann S. Jacobs, Dean Knudson, Robert F. Spindell, Jr., and Mark L. Thomsen are the six Commissioners of the Wisconsin Elections Commission (“WEC”). They are named as defendants in their official capacities only. The WEC is the governmental body that administers, enforces, and implements Wisconsin’s laws “relating to elections and election campaigns, other than laws relating to campaign financing.” Wis. Stat. § 5.05(1). The WEC is responsible for implementing redistricting plans, whether enacted by Wisconsin’s political branches or by a court. See *id.* §§ 3.11-3.18 (setting forth current congressional district boundaries); 4.009 (setting forth current State Senate districts); 4.01-4.99 (setting forth current State Assembly districts); see also *Whitford v. Gill*, No. 15-cv-421-BBC, 2017 WL 383360, at *3 (W.D. Wis. Jan. 27, 2017) (three-judge court) (enjoining members of the WEC from using existing Assembly map), vacated on other grounds by *Gill v. Whitford*, 138 S. Ct. 1916 (2018); *Baldus v. Members of Wis. Gov’t Accountability Bd.*, 862 F. Supp. 2d 860, 863 (E.D. Wis. 2012) (ordering members of the WEC’s predecessor, the Government Accountability Board (“GAB”), to implement the court’s alterations to the existing State Assembly district plan); *Baumgart v. Wendelberger*, Nos. 01-C-121, 02-C-366, 2002 WL 34127471, at *8 (E.D. Wis. May 30, 2002) (enjoining members of the Wisconsin Elections Board—the GAB’s predecessor—from using existing legislative plan and ordering use of court-drawn plan due to the Legislature’s failure to enact new plans following the 2000 Census).

ADMIT the allegations in the first three sentences of this paragraph. In response to the fourth sentence, ALLEGE that WEC is responsible for administering any election in accordance with the applicable district maps legally in effect at the time of the election. Further ALLEGE that the statutes and court decisions referred to in the paragraph speak for themselves, and DENY any characterization of them contrary to their express terms.

Factual Allegations

16. On August 9, 2011, over a decade ago, Governor Scott Walker signed legislation creating new state legislative and congressional districts, which were drawn using then-recently published 2010 Census data.

ADMIT.

17. According to the 2010 Census, Wisconsin had a population of 5,686,986. Accordingly, a decade ago, the ideal population for each of Wisconsin's eight congressional districts (i.e., the State's total population divided by the number of districts) was 710,873 persons. Similarly, the ideal population for each State Senate district was 172,333 persons, and the ideal population for each State Assembly district was 57,444 persons.

ALLEGE that the 2010 census data speak for themselves, and DENY any characterization of them contrary to their express terms.

18. According to 2010 Census data, the new congressional plan had a maximum deviation (i.e., the difference between the most populated district and least populated district) of exactly one person: six districts had a population of 710,873, and two districts had a population of 710,874. The new State Assembly plan had a deviation of 438 persons (.8% of the ideal district population), and the new State Senate plan had a deviation of 1,076 persons (.6% of the ideal district population).

ALLEGE that the 2010 census data and the congressional and state legislative district plans referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms.

19. In April 2012, a federal court made slight adjustments to Assembly Districts 8 and 9. See *Baldus*, 862 F. Supp. 2d at 863. Otherwise, the legislative and congressional plans passed in August 2011 have been used in every election cycle since 2012.

ALLEGE that the court decision referred to in this paragraph speaks for itself, and DENY any characterization of it contrary to its express terms. Otherwise, ADMIT that every election cycle since 2012 has used the district plans enacted in August 2011, subject to adjustments ordered by the court in the referenced case.

20. In 2020, the U.S. Census Bureau conducted the decennial census required by Article I, Section 2 of the U.S. Constitution. On April 26, 2021, the U.S. Secretary of Commerce delivered the results of the 2020 Census to the President.

ADMIT.

21. The results of the 2020 Census report that Wisconsin's resident population as of April 2020 is 5,893,718. This is a significant increase from a decade ago, when the 2010 Census reported a population of 5,686,986. Wisconsin will again be apportioned eight congressional districts for the next decade.

ADMIT that Wisconsin will have eight congressional districts. Otherwise ALLEGE that the 2020 census results speak for themselves, and DENY any characterization of them contrary to their express terms.

22. According to the 2020 Census results, the ideal population for each of Wisconsin's eight congressional districts (i.e., the State's total population divided by the number of districts) is 736,715; the ideal population for Wisconsin's 99 State Assembly districts is 59,533; and the ideal population for Wisconsin's 33 State Senate districts is 178,598.

ADMIT that Wisconsin currently has eight congressional districts, 99 State Assembly districts, and 33 State Senate districts. Otherwise ALLEGE that the 2020 census results speak for themselves, and DENY any characterization of them contrary to their express terms.

23. In the past decade, Wisconsin's population has shifted significantly. Because the 2020 Census has now been completed, the 2010 population data used to draw Wisconsin's current legislative and congressional districts are obsolete, and any prior justifications for the existing maps' deviations from population equality are inapplicable.

ADMIT that Wisconsin's population and its distribution have changed during the past decade. ALLEGE that the United States and Wisconsin Constitutions require that congressional and state legislative districts be reapportioned on the basis of the 2020 census data prior to any future congressional or state legislative election. *See* U.S. Const., art. I, §§ 2, 4; U.S. Const. amend. XIV, § 2; Wis. Const., art. IV, § 3. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required. In the alternative, to the extent a response may be required, ALLEGE that the Wisconsin Elections Commission has no legal

authority to create or alter district boundaries and that Plaintiffs have not alleged any actual or imminent violation of the United States or Wisconsin Constitutions by any of these answering Defendants.

24. On August 12, 2021, the U.S. Census Bureau delivered to Wisconsin its redistricting data file in a legacy format, which the State may use to tabulate the new population of each political subdivision. These data are commonly referred to as “P.L. 94-171 data,” a reference to the legislation enacting this process, and are typically delivered no later than April of the year following the Census. See Pub. L. No. 94-171, 89 Stat. 1023 (1975).

ADMIT that, on August 12, 2021, U.S. census data was delivered to Wisconsin officials. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the remainder of this paragraph, and thus DENY. Further ALLEGE that the legislation referred to in the paragraph speaks for itself, and DENY any characterization of it contrary to its express terms.

25. These data make clear that significant population shifts have occurred in Wisconsin since 2010, skewing the current legislative and congressional districts far from population equality.

ADMIT that Wisconsin’s population and its distribution have changed since 2010. ALLEGE that the census data referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. Further ALLEGE that the United States and Wisconsin Constitutions require that congressional and state legislative districts be

reapportioned on the basis of the 2020 census data prior to any future congressional or state legislative election. *See* U.S. Const., art. I, §§ 2, 4; U.S. Const. amend. XIV, § 2; Wis. Const., art. IV, § 3.

In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required. In the alternative, to the extent a response may be required, ALLEGE that the Wisconsin Elections Commission has no legal authority to create or alter district boundaries and that Plaintiffs have not alleged any actual or imminent violation of the United States or Wisconsin Constitutions by any of these answering Defendants.

26. The table below, generated from the P.L. 94-171 data file provided by the Census Bureau on August 12, 2021, shows how the populations of each of Wisconsin’s congressional districts have shifted between 2010 and 2020. For each district, the “2010 Population” column represents the district’s 2010 population according to the 2010 Census, and the “2020 Population” column indicates the district’s 2020 population according to the P.L. 94-171 data. The “Shift” column represents the shift in population between 2010 and 2020. The “Deviation from Ideal 2020 Population” column shows how far the 2020 population of each district strays from the ideal 2020 congressional district population. And the “Percent Deviation” column shows that deviation as a percentage of the ideal 2020 district population.²

ADMIT that Wisconsin’s population and its distribution have changed since 2010. ALLEGE that the census data referred to in this paragraph speak

² Tabular data omitted.

for themselves, and DENY any characterization of them contrary to their express terms.

27. The table above indicates that population shifts since 2010 have rendered Wisconsin's First, Third, Fourth, Fifth, Sixth, and Seventh Congressional Districts underpopulated, and its Second and Eighth Congressional Districts significantly overpopulated. According to these figures, the maximum deviation among Wisconsin's congressional districts increased from 0 to nearly 13 percent between 2010 and 2020.

ALLEGE that the census data referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. Further ALLEGE that the United States Constitution requires that congressional districts be reapportioned on the basis of the 2020 census data prior to any future congressional election. *See* U.S. Const., art. I, §§ 2, 4; U.S. Const. amend. XIV, § 2; Wis. Const., art. IV, § 3.

In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required. In the alternative, to the extent a response may be required, ALLEGE that the Wisconsin Elections Commission has no legal authority to create or alter district boundaries and that Plaintiffs have not alleged any actual or imminent violation of the United States or Wisconsin Constitutions by any of these answering Defendants.

28. The populations of each of Wisconsin's state legislative districts have similarly shifted in the past decade. Exhibit A to this Complaint provides the same table showing, for each State Assembly district, the 2010 population, 2020 population, population shift between 2010 and 2020, deviation from the

district's current ideal population, and percent deviation from the district's current ideal population. Exhibit B to this Complaint provides the same information for each State Senate district.

ALLEGE that the census data referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. Further ALLEGE that the Wisconsin Constitution requires that state legislative districts be reapportioned on the basis of the 2020 census data prior to any future state legislative election. *See* U.S. Const., art. I, §§ 2, 4; U.S. Const. amend. XIV, § 2; Wis. Const., art. IV, § 3.

In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required. In the alternative, to the extent a response may be required, ALLEGE that the Wisconsin Elections Commission has no legal authority to create or alter district boundaries and that Plaintiffs have not alleged any actual or imminent violation of the United States or Wisconsin Constitutions by any of these answering Defendants.

29. According to Exhibit A, the maximum deviation among State Assembly districts increased from .8 percent to 32 percent between 2010 and 2020. And according to Exhibit B, the maximum deviation among State Senate districts increased from .6 percent to over 22 percent between 2010 and 2020.

ALLEGE that the census data referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms.

30. In light of these population shifts, Wisconsin's existing legislative and congressional district configurations are unconstitutionally malapportioned. If used in any future election, these district configurations would unconstitutionally dilute the strength of Plaintiffs' votes in legislative and congressional elections because Plaintiffs live in districts with populations that are significantly larger than those in which other voters live.

ALLEGE that the United States and Wisconsin Constitutions require that congressional and state legislative districts be reapportioned on the basis of the 2020 census data prior to any future congressional or state legislative election. See U.S. Const., art. I, §§ 2, 4; U.S. Const. amend. XIV, § 2; Wis. Const., art. IV, § 3.

In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required. In the alternative, to the extent a response may be required, ALLEGE that the Wisconsin Elections Commission has no legal authority to create or alter district boundaries and that Plaintiffs have not alleged any actual or imminent violation of the United States or Wisconsin Constitutions by any of these answering Defendants.

31. In Wisconsin, legislative and congressional district plans are enacted through legislation, which must pass both chambers of the Legislature and be signed by the Governor (unless the Legislature overrides the Governor's veto). See *State ex rel. Reynolds v. Zimmerman*, 22 Wis. 2d 544, 553-59, 126 N.W.2d 551, 557-59 (1964). Currently, both chambers of Wisconsin's Legislature are controlled by Republicans, and the Governor is a Democrat. The Republican control of the Legislature is not large enough to override a gubernatorial veto. The partisan division among Wisconsin's political branches makes it extremely unlikely that they will pass lawful legislative or congressional redistricting

plans in time to be implemented during the upcoming 2022 election.

ALLEGE that the court decision referred to in this paragraph speaks for itself, and DENY any characterization of it contrary to its express terms. ADMIT the allegations in the second sentence. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY.

Further ALLEGE that a new congressional and state legislative district 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. Additionally ALLEGE that, in light of the fact that 2020 census data was not delivered to Wisconsin officials until August 12, 2021, and in light of the current partisan divisions between the Wisconsin Legislature and the Governor, there is a meaningful possibility that the Legislature and the Governor will not be able to put a new district plan in place by March 1, 2022, without involvement of a court.

32. Except for the 2010 redistricting cycle—during which Republicans held trifecta control of Wisconsin’s state government—Wisconsin’s redistricting process has been rife with partisan gridlock. In the last four decades, when Republicans and Democrats controlled competing political branches of Wisconsin’s government, the parties have been unable to enact state legislative redistricting plans. As a result, federal courts were forced to intervene in the process of redrawing state legislative districting plans during the 1980, 1990, and 2000 redistricting cycles.

ADMIT that federal courts have been involved in Wisconsin’s redistricting process in some previous decades. Further ADMIT that, during the 2010 redistricting cycle, Wisconsin had a Republican Governor and a Republican majority in both chambers of the Legislature. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY.

33. Once again, Wisconsin is entering a new redistricting cycle with political branches divided along partisan lines. If anything, the partisan differences among the major parties have only grown since they last attempted to reach consensus on redistricting plans. In the two years he has been in office, Governor Evers has been in nearly constant conflict with the Republican-controlled Legislature over a broad range of policies, such as the state’s response to the COVID19 pandemic, election administration, Medicaid expansion, budget measures, abortion, and professional licensing, with the Governor using his veto power on many occasions. When it became clear that Republicans had failed to obtain a veto-proof majority in the Legislature in the November 2020 election, Governor Evers pointed immediately to the fact that he would retain the “ability to veto [] bad district lines through redistricting.” Earlier that year, when Governor Evers created an independent redistricting commission meant to produce fair

statewide maps, Republican legislative leadership indicated that they would ignore the commission's proposals.³

ADMIT that Wisconsin is entering a new redistricting cycle and that the State currently has a Democratic Governor and Republican majorities in both chambers of the State Legislature. Further ADMIT that Governor Evers has used his veto power on multiple occasions; that he has indicated that the Governor has the ability to use the veto power in the context of redistricting; and that he has created an independent redistricting commission charged with developing district plans to be suggested to the Legislature. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY.

Additionally ALLEGE that, in light of the fact that 2020 census data was not delivered to Wisconsin officials until August 12, 2021, and in light of the current partisan divisions between the Wisconsin Legislature and the Governor, there is a meaningful possibility that the Legislature and the Governor will not be able to put a new district plan in place by March 1, 2022, without involvement of a court.

³ Footnotes omitted.

34. On August 10, 2021, Governor Evers vetoed a series of bills passed by the Legislature seeking to alter the rules regarding applying for, delivering, and processing of absentee ballots, further illustrating and confirming the persistent gridlock between the Legislature and Governor Evers, especially on election issues.⁴

ADMIT that, on August 10, 2021, Governor Evers vetoed six bills that would have changed election laws in Wisconsin. ALLEGE that the bills referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY.

Additionally ALLEGE that, in light of the fact that 2020 census data was not delivered to Wisconsin officials until August 12, 2021, and in light of the current partisan divisions between the Wisconsin Legislature and the Governor, there is a meaningful possibility that the Legislature and the Governor will not be able to put a new district plan in place by March 1, 2022, without involvement of a court.

35. Moreover, the Census Bureau's significant delays in distributing Wisconsin's population data have compressed the amount of time during which the legislative process would normally take place. This increases the already significant likelihood the political branches will reach an impasse this cycle and fail to enact new legislative and congressional district plans, leaving the existing plans in place for next year's election. To avoid such an unconstitutional outcome, this Court must prepare to

⁴ Footnote omitted.

intervene to ensure Plaintiffs' and other Wisconsinites' voting strength is not diluted.

ALLEGE that a new congressional and state legislative district 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. Further ALLEGE that, in light of the fact that 2020 census data was not delivered to Wisconsin officials until August 12, 2021, and in light of the current partisan divisions between the Wisconsin Legislature and the Governor, there is a meaningful possibility that the Legislature and the Governor will not be able to put a new district plan in place by March 1, 2022, without involvement of a court.

LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required. In the alternative, to the extent a response may be required, ALLEGE that the Wisconsin Elections Commission has no legal authority to create or alter district boundaries and that Plaintiffs have not alleged any actual or imminent violation of the United States or Wisconsin Constitutions by any of these answering Defendants.

36. The Wisconsin Constitution requires the Legislature to draw new legislative lines “[a]t its first session after each enumeration made by the authority of the United States.” Wis. Const. art. IV, § 3. The current legislative session will terminate when the following session begins in early January 2022. See Wis. Stat. § 13.02(2) (calling for new annual sessions to begin “on the first Tuesday after the 8th day of January in each year”). Wisconsin law does not set a deadline by which congressional redistricting plans must be in place. Nonetheless, it is in the interests of voters, candidates, and Wisconsin’s entire electoral apparatus that finalized legislative and congressional districts be put in place as soon as possible, well before candidates in those districts must begin to collect signatures on their nomination papers. Potential candidates cannot make strategic decisions—including, most importantly, whether to run at all—without knowing the district boundaries. And voters have a variety of interests in knowing as soon as possible the districts in which they reside and will vote, and the precise contours of those districts. These interests include deciding which candidates to support and whether to encourage others to run; holding elected representatives accountable for their conduct in office; and advocating for and organizing around candidates who will share their views in Congress or the Wisconsin Legislature, including by working together with other district voters in support of favored candidates.

ALLEGE that the statutory and constitutional provisions cited in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY.

Further ALLEGE that a new congressional and state legislative district 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.

37. Candidates seeking to appear on the ballot for the 2022 partisan primary election will begin circulating nomination papers as early as April 15, 2022. Wis. Stat. § 8.15(1). And the deadline to file nomination papers is June 1, 2022. *Id.* It is in everyone's best interest—voters and candidates alike—that district boundaries are set well before the start of the formal nomination process. Delaying the adoption of new plans even until this deadline will substantially interfere with Plaintiffs' ability to associate with like-minded citizens, educate themselves on the positions of their would-be representatives, and advocate for the candidates they prefer. *Cf. Anderson v. Celebrezze*, 460 U.S. 780, 787-88 (1983) (“The [absence] of candidates also burdens voters' freedom of association, because an election campaign is an effective platform for the expression of views on the issues of the day, and a candidate serves as a rallying-point for like-minded citizens.”).

ALLEGE that the statute and court decision referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. Further ALLEGE that a new congressional and state legislative district 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.

LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required. In the alternative, to

the extent a response may be required, ALLEGE that the Wisconsin Elections Commission has no legal authority to create or alter district boundaries and that Plaintiffs have not alleged any actual or imminent violation of their right to associate by any of these answering Defendants.

38. If this Court is not prepared to act in the event that the Legislature and Governor fail to enact new legislative or congressional plans, then the 2022 election will be held using illegal district maps, depriving Plaintiffs of their constitutional rights.

ALLEGE that the United States and Wisconsin Constitutions require that congressional and state legislative districts be reapportioned on the basis of population data obtained in each decennial U.S. census and that Wisconsin's current districts must be reapportioned prior to any future congressional or state legislative election. *See* U.S. Const., art. I, §§ 2, 4; U.S. Const. amend. XIV, § 2; Wis. Const., art. IV, § 3. Further ALLEGE that, without regard to whether a new district plan is established by the Legislature and the Governor or by a court, such a 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.

LACK knowledge or information sufficient to form a belief as to the truth of any other factual allegations or characterizations in the paragraph, and thus DENY. In all other respects, ALLEGE that this paragraph contains only legal

conclusions to which no responsive pleading is required. In the alternative, to the extent a response may be required, ALLEGE that the Wisconsin Elections Commission has no legal authority to create or alter district boundaries and that Plaintiffs have not alleged any actual or imminent violation of the United States or Wisconsin Constitutions by any of these answering Defendants.

CLAIMS FOR RELIEF

COUNT I

39. Plaintiffs reallege and reincorporate by reference all prior paragraphs of this Complaint and the paragraphs in the counts below as though fully set forth herein.

Defendants incorporate by reference all their other responses as though fully set forth herein.

40. The Fourteenth Amendment to the U.S. Constitution prohibits a state from “deny[ing] to any person within its jurisdiction the equal protection of the laws.” This provision “requires that the seats in both houses of a bicameral state legislature [] be apportioned on a population basis.” *Reynolds v. Sims*, 377 U.S. 533, 568 (1964).

ALLEGE that the constitutional provision and court decision referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

41. In light of the significant population shifts that have occurred since the 2010 Census, and the recent publication of the results of the 2020 Census, the current configurations of Wisconsin’s legislative districts—which were drawn based on 2010 Census data—are unconstitutionally malapportioned. These districts are no longer apportioned on a “population basis.” Instead, they are based on outdated population data collected more than a decade ago.

ADMIT that Wisconsin’s population and its distribution have changed during the past decade. ALLEGE that the United States and Wisconsin Constitutions require that congressional and state legislative districts be reapportioned on the basis of the 2020 census data prior to any future congressional or state legislative election. *See* U.S. Const., art. I, §§ 2, 4; U.S. Const. amend. XIV, § 2; Wis. Const., art. IV, § 3. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required. In the alternative, to the extent a response may be required, ALLEGE that the Wisconsin Elections Commission has no legal authority to create or alter district boundaries and that Plaintiffs have not alleged any actual or imminent violation of the United States or Wisconsin Constitutions by any of these answering Defendants.

42. Wisconsin's current state legislative plan places voters into districts with significantly disparate populations, causing voters in overpopulated districts, like Plaintiffs, to experience vote dilution compared to voters in districts with comparatively smaller populations.

ALLEGE that the state legislative plan and population data referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. Further ALLEGE that the United States and Wisconsin Constitutions require that congressional and state legislative districts be reapportioned on the basis of the 2020 census data prior to any future congressional or state legislative election. *See* U.S. Const., art. I, §§ 2, 4; U.S. Const. amend. XIV, § 2; Wis. Const., art. IV, § 3.

In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required. In the alternative, to the extent a response may be required, ALLEGE that the Wisconsin Elections Commission has no legal authority to create or alter district boundaries and that Plaintiffs have not alleged any actual or imminent violation of the United States or Wisconsin Constitutions by any of these answering Defendants.

43. Any future use of Wisconsin's current legislative plan would violate Plaintiffs' constitutional right to cast an equal vote.

ALLEGE that the United States and Wisconsin Constitutions require that congressional and state legislative districts be reapportioned on the basis of the 2020 census data prior to any future congressional or state legislative

election. See U.S. Const., art. I, §§ 2, 4; U.S. Const. amend. XIV, § 2; Wis. Const., art. IV, § 3.

In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required. In the alternative, to the extent a response may be required, ALLEGE that the Wisconsin Elections Commission has no legal authority to create or alter district boundaries and that Plaintiffs have not alleged any actual or imminent violation of the United States or Wisconsin Constitutions by any of these answering Defendants.

COUNT II

44. Plaintiffs reallege and reincorporate by reference all prior paragraphs of this Complaint and the paragraphs in the count below as though fully set forth herein.

Defendants incorporate by reference all their other responses as though fully set forth herein.

45. Article I, Section 2 of the U.S. Constitution requires “that when qualified voters elect members of Congress each vote be given as much weight as any other vote.” *Wesberry v. Sanders*, 376 U.S. 1, 7 (1964). This means that congressional districts must “achieve population equality ‘as nearly as is practicable.’” *Karcher v. Daggett*, 462 U.S. 725, 730 (1983) (quoting *Wesberry*, 376 U.S. at 7-8).

ALLEGE that constitutional provision and court decisions referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. In all other respects, ALLEGE that this

paragraph contains only legal conclusions to which no responsive pleading is required.

46. Article I, Section 2 requires an even higher standard of exact population equality among congressional districts than what the Fourteenth Amendment requires of state legislative districts. It “permits only the limited population variances which are unavoidable despite a goodfaith effort to achieve absolute equality, or for which justification is shown.” *Karcher*, 462 U.S. at 730 (quoting *Kirkpatrick v. Preisler*, 394 U.S. 526, 531 (1969)). Any variation from “absolute population equality” must be narrowly justified. *Id.* at 732-33.

ALLEGE that the constitutional provision and court decisions referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

47. As a result of this requirement, when Wisconsin’s existing congressional plan was enacted in 2010, the deviation in population among districts was no more than one person. Now, the population deviation among the current congressional districts is nearly 94,000 people.

ALLEGE that the state legislative plan and population data referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms.

48. Given the significant population shifts that have occurred since the 2010 Census, and the recent publication of the results of the 2020 Census, Wisconsin's congressional districts—which were drawn based on 2010 Census data—are now unconstitutionally malapportioned. No justification can be offered for the deviation among the congressional districts because any existing justification would be based on outdated 2010 population data.

ADMIT that Wisconsin's population and its distribution have changed during the past decade. ALLEGE that the United States and Wisconsin Constitutions require that congressional and state legislative districts be reapportioned on the basis of the 2020 census data prior to any future congressional or state legislative election. *See* U.S. Const., art. I, §§ 2, 4; U.S. Const. amend. XIV, § 2; Wis. Const., art. IV, § 3.

In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required. In the alternative, to the extent a response may be required, ALLEGE that the Wisconsin Elections Commission has no legal authority to create or alter district boundaries and that Plaintiffs have not alleged any actual or imminent violation of the United States or Wisconsin Constitutions by any of these answering Defendants.

49. Any future use of Wisconsin's current congressional district plan would violate Plaintiffs' constitutional right to an undiluted vote.

ALLEGE that the United States and Wisconsin Constitutions require that congressional and state legislative districts be reapportioned on the basis of the 2020 census data prior to any future congressional or state legislative

election. See U.S. Const., art. I, §§ 2, 4; U.S. Const. amend. XIV, § 2; Wis. Const., art. IV, § 3.

In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required. In the alternative, to the extent a response may be required, ALLEGE that the Wisconsin Elections Commission has no legal authority to create or alter district boundaries and that Plaintiffs have not alleged any actual or imminent violation of the United States or Wisconsin Constitutions by any of these answering Defendants.

COUNT III

50. Plaintiffs reallege and reincorporate by reference all prior paragraphs of this Complaint as though fully set forth herein.

Defendants incorporate by reference all their other responses as though fully set forth herein.

51. Among other rights, the First Amendment protects the “freedom of association” from infringement by the federal government and applies to state governments pursuant to the Fourteenth Amendment. See *Williams v. Rhodes*, 393 U.S. 23, 30-31 (1968) (citing *New York Times Co. v. Sullivan*, 376 U.S. 254, 276-77 (1964)).

ALLEGE that the constitutional provision and court decisions referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

52. Impeding candidates' ability to run for political office—and, consequently, Plaintiffs' ability to assess candidate qualifications and positions, organize and advocate for preferred candidates, and associate with like-minded voters—infringes on Plaintiffs' First Amendment right to association. *See, e.g., Anderson*, 460 U.S. at 787-88 & n.8.

ALLEGE that the constitutional provision and court decision referred to in this paragraph speak for themselves, and DENY any characterization of them contrary to their express terms. In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required.

53. Given the delay in publication of the 2020 Census data and the near-certain deadlock among the political branches in adopting new legislative and congressional district plans, it is significantly unlikely that the legislative process will timely and effectively yield new plans. This would deprive Plaintiffs of the ability to associate with others from the same lawfully apportioned legislative and congressional districts, and, therefore, is likely to significantly, if not severely, burden Plaintiffs' First Amendment right to association.

ALLEGE that the constitutional provision referred to in this paragraph speaks for itself, and DENY any characterization of it contrary to its express terms. Further ALLEGE that a new congressional and state legislative district 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. Additionally ALLEGE that, in light of the fact that 2020 census data was not

delivered to Wisconsin officials until August 12, 2021, and in light of the current partisan divisions between the Wisconsin Legislature and the Governor, there is a meaningful possibility that the Legislature and the Governor will not be able to put a new district plan in place by March 1, 2022, without involvement of a court.

In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required. In the alternative, to the extent a response may be required, ALLEGE that the Wisconsin Elections Commission has no legal authority to create or alter district boundaries and that Plaintiffs have not alleged any actual or imminent violation of their right to associate by any of these answering Defendants.

54. Defendants can assert no legitimate, let alone compelling, interest that justifies this burden.

ALLEGE that the United States and Wisconsin Constitutions require that congressional and state legislative districts be reapportioned on the basis of the 2020 census data prior to any future congressional or state legislative election. *See* U.S. Const., art. I, §§ 2, 4; U.S. Const. amend. XIV, § 2; Wis. Const., art. IV, § 3.

In all other respects, ALLEGE that this paragraph contains only legal conclusions to which no responsive pleading is required. In the alternative, to the extent a response may be required, ALLEGE that the Wisconsin Elections

Commission has no legal authority to create or alter district boundaries and that Plaintiffs have not alleged any actual or imminent violation of their right to associate by any of these answering Defendants.

PRAYER FOR RELIEF

In response to Plaintiffs' Prayer for Relief, the Defendants ALLEGE as follows:

- The United States and Wisconsin Constitutions require that Wisconsin's congressional and state legislative districts be reapportioned on the basis of the 2020 census data prior to any future congressional or state legislative election.
- Without regard to whether a new congressional and state legislative district plan is established by the Legislature and the Governor or by a court, such a 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.
- In light of the fact that 2020 census data was not delivered to Wisconsin officials until August 12, 2021, and in light of the current partisan divisions between the Wisconsin Legislature and the Governor, there is a meaningful possibility that the Legislature and the Governor will not be able to put a new district plan in place by March 1, 2022, without involvement of a court.
- The Wisconsin Elections Commission has no legal authority to create or alter district boundaries and Plaintiffs have not alleged any actual or imminent violation of the United States or Wisconsin Constitutions by any of these answering Defendants. The answering defendants thus are not liable for Plaintiffs' costs, disbursements, or attorney's fees.
- Injunctive relief against the named Defendants is not necessary or appropriate at the present time because, under Wisconsin's

election statutes, the Defendants will not be called upon to apply congressional or state legislative district maps in a way that would impact the interests of voters or candidates until April 15, 2022, when the period begins for candidates to circulate nominating petitions for the general election on November 8, 2022.

AFFIRMATIVE DEFENSES

1. Defendants reserve the right to later contest the standing, under U.S. Const. art. III, of any intervening parties should it be relevant to the Court's jurisdiction.

WHEREFORE, the named Defendants respectfully ask the Court to issue such orders as it deems just and proper to ensure that a new congressional and state legislative district plan for Wisconsin is in place no later than March 1, 2022.

Dated at Madison, Wisconsin this 7th day of September, 2021.

Respectfully submitted,

JOSHUA L. KAUL
Attorney General of Wisconsin

Electronically signed by:

s/ Thomas C. Bellavia
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