

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

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BLACK LEADERS ORGANIZING FOR  
COMMUNITIES, et al.,

Plaintiffs,

v.

Case No. 3:21CV-534-JDP

ROBERT F. SPINDELL, et al.,

Defendants.

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**INTERVENOR-DEFENDANT GOVERNOR TONY EVERS’  
ANSWER TO AMENDED COMPLAINT**

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Defendant-Intervenor Governor Tony Evers, by his undersigned counsel, responds as follows to the amended complaint of Plaintiffs.

**INTRODUCTION**

With respect to the first paragraph of the introduction, Evers states that Wisconsin’s current legislative and congressional districts are malapportioned and need to be redrawn following the 2020 census. With regard to the second paragraph, Evers states that Wisconsin’s current Assembly districts would violate the Voting Rights Act if not redrawn but lacks knowledge of information to form a belief about the remaining allegations. With respect to the third paragraph, Evers admits the allegations. With respect to the fourth paragraph in the introduction, Evers states that he lacks knowledge to form a belief about

the allegations about the plaintiffs but admits the plaintiffs are seeking the relief stated in the paragraph. With respect to the fifth, sixth, and seventh paragraphs, Evers admits the allegations.

### **JURISDICTION AND VENUE**

1. Evers admits the allegations in paragraph 1.
2. Evers admits the allegations in paragraph 2.
3. Evers admits the allegations in paragraph 3.
4. Evers admits the allegations in paragraph 4.
5. As to paragraph 5, Evers admits that venue is proper in the

Western District of Wisconsin.

### **PARTIES**

6. Evers lacks knowledge or information to form a belief about the allegations in paragraph 6.

7. Evers lacks knowledge or information to form a belief about the allegations in paragraph 7.

8. Evers lacks knowledge or information to form a belief about the allegations in paragraph 8.

9. Evers lacks knowledge or information to form a belief about the allegations in paragraph 9.

10. Evers lacks knowledge or information to form a belief about the allegations in paragraph 10.

11. Evers lacks knowledge or information to form a belief about the allegations in paragraph 11 related to individual plaintiffs. Evers admits that the listed assembly and senate districts are overpopulated.

12. Evers lacks knowledge or information to form a belief about the allegations in paragraph 12.

13. Evers lacks knowledge or information to form a belief about the allegations in paragraph 13.

14. Evers lacks knowledge or information to form a belief about the allegations in paragraph 14.

15. Evers lacks knowledge or information to form a belief about the allegations in paragraph 15.

16. Evers lacks knowledge or information to form a belief about the allegations in paragraph 16.

17. Evers lacks knowledge or information to form a belief about the allegations in paragraph 17.

18. Evers lacks knowledge or information to form a belief about the allegations in paragraph 18.

19. Evers lacks knowledge or information to form a belief about the allegations in paragraph 19.

20. Evers lacks knowledge or information to form a belief about the allegations in paragraph 20.

21. Evers lacks knowledge or information to form a belief about the allegations in paragraph 21.

22. Evers lacks knowledge or information to form a belief about the allegations in paragraph 22.

23. Evers lacks knowledge or information to form a belief about the allegations in paragraph 23.

24. Evers admits the allegations in paragraph 24.

25. Evers admits the allegations in paragraph 25.

26. Evers admits the allegations in paragraph 26.

27. Evers admits the allegations in paragraph 27.

**FACTS AND CONSTITUTIONAL PROVISIONS  
RELATED TO MALAPPORTIONMENT**

28. Evers admits the allegations in paragraph 28.

29. Evers admits the allegations in paragraph 29.

30. Evers admits the allegations in paragraph 30.

31. Evers admits the allegations in paragraph 31.

32. Evers admits the allegations in paragraph 32.

33. Evers admits the allegations in paragraph 33.

34. Evers admits the allegations in paragraph 34.

35. Evers admits the allegations in paragraph 35.

36. Evers admits the allegations in paragraph 36.

37. Evers admits the allegations in paragraph 37.
38. Evers admits the allegations in paragraph 38
39. Evers admits the allegations in paragraph 39.
40. Evers admits the allegations in paragraph 40.
41. Evers admits the allegations in paragraph 41.
42. Evers admits the allegations in paragraph 42.
43. Evers admits the allegations in paragraph 43.
44. Evers admits the allegations in paragraph 44.

**LEGAL BACKGROUND ON VOTING RIGHTS ACT  
SECTION 2 CLAIM**

45. Evers admits the allegations in paragraph 45.
46. Evers admits the allegations in paragraph 46.
47. Evers admits the allegations in paragraph 47.
48. Evers admits the allegations in paragraph 48.
49. Evers admits the allegations in paragraph 49.
50. Evers admits the allegations in paragraph 50.

**FACTUAL BACKGROUND RELATED TO SECTION 2 CLAIM**

51. Evers admits the allegations in paragraph 51.
52. Evers admits the allegations in paragraph 52.
53. Evers admits the allegations in paragraph 53.

54. Evers admits the allegations in paragraph 54 except that in the 2018 election Representative Myers defeated Fred Kessler 59.2% to 40.7%, not 59.3% to 40.7% according to the election result data from the Wisconsin Election Commission.

55. Evers admits the allegations in paragraph 55.

56. Evers admits the allegations in paragraph 56 except that in the 2014 election Representative Johnson defeated her independent challengers 87.2% to 12.4%, not 87.5% to 12.5% according to the election result data from the Wisconsin Election Commission.

57. Evers admits the allegations in paragraph 57.

58. Evers admits the allegations in paragraph 58.

59. Evers admits the allegations in paragraph 59.

60. Evers admits the allegations in paragraph 60 except that in the 2018 election Aaron Matteson carried the Milwaukee County portion of the district 70.8% to 29.1% and in the 2014 election Representative Brandtjen defeated Jessie Read by a margin of 70.0% to 29.9% with Read carrying the Milwaukee County portion of the district 65.5% to 34.4% according to election result data from the Wisconsin Elections Commission.

61. Evers admits the allegations in paragraph 61.

62. Evers admits the allegations in paragraph 62 except that in the 2020 election Emily Siegrist carried the Village of Brown Deer, in Milwaukee

County, by a margin of 71.0% to 29.9%, in the 2018 election Siegrist carried the Village of Brown Deer, in Milwaukee County, by a margin of 71.0% to 28.8%, and in the 2012 election, Shan Haqqi defeated Representative Knodl 58.7% to 41.1% in the Village of Brown Deer, in Milwaukee County, according to the election result data from the Wisconsin Election Commission.

63. Evers admits that the Legislature could have drawn seven BVAP majority districts and lacks knowledge or information to form a belief about the remaining allegations in paragraph 63.

64. Evers admits the allegations in paragraph 64.

65. Evers admits the allegations in paragraph 65.

66. Evers admits the allegations in paragraph 66.

67. Evers admits the allegations in paragraph 67.

68. Evers admits the allegations in paragraph 68.

69. Evers admits the allegations in paragraph 69.

70. Evers admits the allegations in paragraph 70.

71. Evers admits the allegations in paragraph 71.

72. Evers admits the allegations in paragraph 72.

73. Evers admits the allegations in paragraph 73.

74. Evers admits the allegations in paragraph 74.

75. Evers admits the allegations in paragraph 75.

76. Evers admits the allegations in paragraph 76 except states that the report found “minority registrants [were] twice as likely as white registrants to” show up to vote at their address of registration after being sent a postcard and that voter purges have a discriminatory impact on minority voters.

77. Evers admits the allegations in paragraph 77.

78. Evers admits the allegations in paragraph 78.

79. Evers admits the allegations in paragraph 79.

80. Evers admits the allegations in paragraph 80.

81. Evers admits the allegations in paragraph 81.

82. Evers admits the allegations in paragraph 82.

83. Evers admits the allegations in paragraph 83.

84. Evers admits the allegations in paragraph 84.

85. Evers admits the allegations in paragraph 85.

86. Evers admits the allegations in paragraph 86.

87. Evers admits the allegations in paragraph 87.

88. Evers admits the allegations in paragraph 88.

89. Evers admits the allegations in paragraph 89.

90. Evers admits the allegations in paragraph 90

91. Evers admits the allegations in paragraph 91.



92. Evers admits the allegations in paragraph 92, assuming that the reference to “Black state representatives” in the fifth sentence refers to members of the assembly and not of the state senate.

93. Evers admits the allegations in paragraph 93.

### COUNT 1

94. Evers incorporates by reference the responses in paragraphs 1–93 above.

95. With respect to paragraph 95, Evers admits that Wisconsin’s current legislative districts are malapportioned and need to be redrawn following the 2020 census, but Evers lacks knowledge or information to form a belief about the allegations specifically related to the plaintiffs.

96. Evers admits the allegations in paragraph 96.

97. With respect to paragraph 97, Evers admits that Wisconsin’s current senate districts are malapportioned and need to be redrawn following the 2020 census, but Evers lacks knowledge or information to form a belief about the allegations specifically related to the plaintiffs.

98. With respect to paragraph 98, Evers admits that Wisconsin’s current assembly districts are malapportioned and need to be redrawn following the 2020 census, but Evers lacks knowledge or information to form a belief about the allegations specifically related to the plaintiffs.

99. With respect to paragraph 99, Evers admits that Wisconsin's current legislative districts are malapportioned and need to be redrawn following the 2020 census, but Evers lacks knowledge or information to form a belief about the allegations specifically related to the plaintiffs.

100. Evers admits the allegations in paragraph 100.

101. Evers admits the allegations in paragraph 101.

102. Evers lacks knowledge or information to form a belief about the allegations in paragraph 102.

103. Evers lacks knowledge or information to form a belief about the allegations in paragraph 103.

## **COUNT 2**

104. Evers incorporates by reference the responses in paragraphs 1–104 above.

105. Evers admits the allegations in paragraph 105.

106. Evers admits the allegations in paragraph 106.

107. Evers admits that the allegations in paragraph 107 except states that he lacks knowledge or information to form a belief as to whether the Voting Rights Act requires a seventh district in which Black voters are a majority or if it would be possible for the seventh district to allow Black voters

the opportunity to elect their candidates of choice even if they are not a majority of the voting age population.

108. Evers admits the allegations in paragraph 108.

109. Evers admits the allegations in paragraph 109.

110. As to paragraph 110, Evers admits that the current Assembly districts need to be redrawn and that, if they are not redrawn, it would violate the Voting Rights Act.

As to the Wherefore paragraph, Evers recognizes that new maps must be drawn in light of population shifts and supports this Court taking jurisdiction of the case.

Dated this 7th day of October 2021.

Respectfully submitted,

JOSHUA L. KAUL  
Attorney General of Wisconsin

Electronically signed by:

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