

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

LISA HUNTER, et al.,

Plaintiffs,

BILLIE JOHNSON, et al.,

Proposed Intervenor-Plaintiffs

v.

Case No. 3:21-CV-512-JDP

MARGE BOSTELMANN, et al.,
IN THEIR OFFICIAL CAPACITIES AS
MEMBERS OF THE WISCONSIN
ELECTIONS COMMISSION,

Defendants,

THE WISCONSIN LEGISLATURE,

Intervenor-Defendant

CONGRESSMEN GLENN GROTHMAN, et al.,

Proposed Intervenor-Defendants

GOVERNOR TONY EVERS,

Proposed Intervenor-Defendant

PROPOSED INTERVENOR-DEFENDANT TONY EVERS' ANSWER

Proposed Defendant-Intervenor Governor Tony Evers submits this answer as part of his motion to intervene. Governor Evers, by his undersigned counsel, responds as follows to the complaint.

Nature of the Action

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. Evers admits the allegations in paragraph 5.
6. As to paragraph 6, Evers admits the historical facts; affirmatively alleges that it is highly unlikely that a consensus will be reached through the political process.
7. As to paragraph 7, Evers does not oppose this Court taking jurisdiction of this matter.
8. Evers admits the allegations in paragraph 8.

Jurisdiction and Venue

9. Evers admits the allegations in paragraph 9.
10. Evers admits the allegations in paragraph 10.

11. As to paragraph 11, Evers admits that venue is proper in the Western District of Wisconsin.

12. Evers admits the allegations in paragraph 12.

Parties

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

14. Evers admits that the current districts are malapportioned. Evers lacks knowledge or information to form a belief about the allegations related to the named plaintiffs in paragraph 14.

15. Evers admits the allegations in paragraph 15.

Factual Allegations

I. Wisconsin's current legislative and congressional districts were drawn using 2010 Census data.

16. Evers admits the allegations in paragraph 16.

17. Evers admits the allegations in paragraph 17.

18. Evers admits the allegations in paragraph 18.

19. Evers admits the allegations in paragraph 19.

II. The 2020 census is now complete.

20. Evers admits the allegations in paragraph 20.

21. Evers admits the allegations in paragraph 21.

22. Evers admits the allegations in paragraph 22.

III. As a result of significant population shifts in the past decade and the publication of the 2020 Census results, Wisconsin's legislative and congressional districts are unconstitutionally malapportioned.

23. Evers admits 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.

28. Evers admits the allegations in paragraph 28.

29. Evers admits the allegations in paragraph 29.

30. Evers admits the allegations in paragraph 30.

IV. Wisconsin's political branches will likely fail to enact lawful legislative or congressional district maps in time for the next election.

31. As to paragraph 31, Evers admits the historical facts; affirmatively alleges that it is highly unlikely that a consensus will be reached through the political process.

32. As to paragraph 32, Evers admits the historical facts; affirmatively alleges that it is highly unlikely that a consensus will be reached through the political process.

33. As to paragraph 33, Evers admits the historical facts; affirmatively alleges that it is highly unlikely that a consensus will be reached through the political process.

34. As to paragraph 34, Evers admits the historical facts; affirmatively alleges that it is highly unlikely that a consensus will be reached through the political process.

35. As to paragraph 35, Evers admits the historical facts; affirmatively alleges that it is highly unlikely that a consensus will be reached through the political process.

36. Evers admits the allegations in the first, second, and third sentences of paragraph 36; admits that it is desirable to have a plan in place earlier in time rather than later.

37. Evers admits the allegations in paragraph 37.

38. Evers admits the allegations in paragraph 38.

Claims for Relief

Count I

39. Evers incorporates and re-alleges his responses to all prior paragraphs.

40. Evers admits the allegations in paragraph 40.

41. Evers admits the allegations in paragraph 41.

42. As to paragraph 42, 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.

43. As to paragraph 43, Evers admits that Wisconsin's 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.

Count II

44. Evers incorporates and re-alleges his responses to all prior paragraphs.

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.

Count III

50. Evers incorporates and re-alleges his responses to all prior paragraphs.

51. Evers admits the allegations in paragraph 51.

52. As to paragraph 52, Evers admits that impeding candidates' ability to run for political office—and, consequently, voters' ability to assess candidate qualifications and positions, organize and advocate for preferred candidates, and associate with like-minded voters—can infringe on the First Amendment right to association, but Evers lacks knowledge or information to form a belief about the allegations related to the plaintiffs.

53. As to paragraph 53, Evers admits the historical facts; affirmatively alleges that it is highly unlikely that a consensus will be reached through the political process; lacks knowledge or information to form a belief about the allegations related to the plaintiffs.

54. Evers lacks knowledge or information to form a belief as to the allegations in paragraph 54.

As to the Wherefore paragraph, Evers recognizes that new maps must be drawn in light of population shifts and does not oppose this Court taking jurisdiction of the case.

Dated this 13th day of September 2021.

Respectfully submitted,

JOSHUA L. KAUL
Attorney General of Wisconsin

Electronically signed by:

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