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No. 2025AP996-OA

ELIZABETH BOTHFELD, JO ELLEN BURKE, MARY
COLLINS, CHARLENE GAEBLER-UHING, PAUL HAYES,
SALLY HUCK, TOM KLOOSTERBOER, ELIZABETH
LUDEMAN, and LINDA WEAVER,

Petitioners,

vs.

WISCONSIN ELECTIONS COMMISSION; DON MILLIS,
ROBERT F. SPINDELL, JR., MARGE BOSTELMANN, ANN S.
JACOBS, MARK L. THOMSEN, and CARRIE RIEPL, in their
official capacities as commissioners of the Wisconsin Election
Commission; and MEAGAN WOLFE, in her official capacity as
administrator of the Wisconsin Elections Commission,

Respondents.

PETITIONERS' RESPONSE TO MOTION TO RECUSE JUSTICE PROTASIEWICZ

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INTRODUCTION

The motion to recuse is no more persuasive than the failed motion that Justice Protasiewicz previously rejected in litigation over Wisconsin's legislative maps. This motion—like that one—contends that federal and state law require Justice Protasiewicz's recusal from redistricting matters because her campaign was funded in part by the Democratic Party of Wisconsin, and because that campaign featured public discussion of issues that voters deemed important, including those related to redistricting. As Justice Protasiewicz explained at length in her October 2023 order denying the motion to recuse in litigation over the legislative maps, these arguments misread the law, which has never been applied to require recusal in a case like this one; they mischaracterize the facts, as the highlighted campaign statements explicitly refrained from committing to any legal outcome; and they misapply recusal principles in a way that would prove entirely unworkable if ever adopted.

The only new argument Movants raise here is that Justice Protasiewicz's decision not to participate in a motion to reopen a separate lawsuit, initiated by separate parties, over Wisconsin's congressional map requires recusal here. The opposite is true. If anything, that prior decision demonstrates Justice Protasiewicz's careful consideration of the applicable law and facts of each

individual case rather than any allegiance to a predetermined outcome.

Ultimately, Movants' real dispute is not with Justice Protasiewicz but with this Court's rejection of the "least change" approach to redistricting in *Clarke v. Wis. Election Comm'n*, 2023 WI 79, ¶ 63, 410 Wis. 2d 1, 55, 998 N.W.2d 370, 398—the governing law that animates both Petitioners' separation-of-powers claim and their partisan gerrymandering claims. Movants cannot seek recusal as an end-run around unfavorable precedent. The motion to recuse should be denied.

BACKGROUND

On April 4, 2023, now-Justice Protasiewicz won the election for an open Wisconsin Supreme Court seat by 11 percentage points and over 200,000 votes.¹ The election turned out nearly two million voters and set new records for total campaign spending by candidates and interest groups.² Justice Protasiewicz and her opponent, former Justice Daniel Kelly, received contributions from

¹ Wis. Election Comm'n, WEC Canvass Reporting System County by County Report, 2023 Spring Election (Apr. 17, 2023), https://elections.wi.gov/sites/default/files/documents/County%20by%20County%20Report_SCOWIS.pdf.

² Press Release, *Wisconsin Supreme Court Race Cost Record \$51M*, Wis. Democracy Campaign, (July 18, 2023), <https://www.wisdc.org/news/press-releases/139-press-release-2023/7390-wisconsin-supreme-court-race-cost-record-51m>.

the Democratic Party of Wisconsin and the Republican Party of Wisconsin, respectively.³

Throughout the campaign, the candidates participated in events where they were asked about issues of public concern. *See, e.g.*, App. 45 (candidate Q&A question: “How would you handle the ongoing legal conflict around the state’s 1849 abortion ban?”); App. 22 (candidate forum question: “[W]as the Court correct to require a least change approach [to redistricting]?”); App. 19 (candidate forum question: “[W]hat’s the worst ruling you’ve seen in the last few decades in Wisconsin or U.S. Supreme Courts[?]”); App. 20 (candidate forum question: “What ruling has most shaped your judicial philosophy?”).⁴ Justice Protasiewicz answered these questions carefully by providing voters insights into her judicial philosophy while, as the Wisconsin Judicial Commission confirmed, always adhering to Supreme Court rules and the Code of Judicial Conduct. *See Attach. to Unpublished Order at 7–8, Clarke v. Wis. Elections Comm’n*, No. 2023AP1399-OA, (Wis. Sept. 5, 2023). She also repeatedly assured voters that her personal views would not control her legal opinions. *See, e.g.*, App. 65 (“I

³ Molly Beck & Corrinne Hess, *5 takeaways from the only Supreme Court election debate. Daniel Kelly and Janet Protasiewicz take the gloves off*, Milwaukee J. Sentinel (Mar. 22, 2023), <https://www.jsonline.com/story/news/politics/elections/2023/03/21/5-takeaways-from-the-onlywisconsin-supreme-court-election-debate/70029701007/>.

⁴“App.” refers to Movants’ Appendix.

have been very clear about my values to the electorate . . . I've also been very clear that any decision that I render will be made based solely on the law and the Constitution.”); App. 42 (“I’ll always be an impartial justice who upholds [Wisconsin’s] Constitution.”); App. 45 (“[A]ll of my decisions are going to be rooted in the law.”).

On August 2, 2023, a group of Wisconsin voters filed a petition for original action in this Court, challenging the state legislative redistricting maps adopted by this Court in *Johnson v. Wisconsin Elections Commission*, 2022 WI 19, 401 Wis. 2d 198, 972 N.W.2d 559 (“*Johnson III*”). See Pet., *Clarke v. Wis. Election Comm’n*, No. 2023AP1399-OA (Aug. 2, 2023). The Wisconsin Legislature moved to intervene and to recuse Justice Protasiewicz. See Mot. to Recuse Justice Protasiewicz, *Clarke* (Aug. 22, 2023) (“*Clarke Recusal Motion*”). The *Clarke Recusal Motion* asserted that Justice Protasiewicz’s recusal was required under the Due Process Clause of the Fourteenth Amendment and Wisconsin law because (1) the Democratic Party of Wisconsin (“DPW”) donated to Justice Protasiewicz’s campaign for Wisconsin Supreme Court, and (2) Justice Protasiewicz made various statements about redistricting during her campaign. See *id.*

Justice Protasiewicz denied the *Clarke Recusal Motion*. See *Clarke v. Wis. Election Comm’n*, 2023 WI 66, 409 Wis. 2d 249, 995 N.W.2d 735 (Protasiewicz, J.). In a thoughtful and comprehensive opinion, she rejected the arguments that her campaign statements

demonstrated that she had “prejudged” the case, *id.* ¶¶ 52–74, that the DPW’s contributions biased her toward petitioners, *id.* ¶¶ 25–51, that she could not act impartially, *id.* ¶¶ 80–86, and that she had a personal interest in the outcome of the case, *id.* ¶¶ 87–93.

The *Clarke* litigation proceeded, and this Court ultimately overruled the portion of *Johnson* that mandated the “least change” approach for court-ordered maps. 2023 WI 79, ¶¶ 60–63. Subsequently, a group of intervenors who participated in the *Johnson* litigation (“Hunter Intervenors”) filed a motion to reopen the *Johnson* case, seeking relief from the congressional map that was adopted pursuant to the now-defunct “least change” approach. App. 333–37. The Wisconsin Legislature, joined by a group of individual voters and Republican congressmen, once again filed a motion calling for Justice Protasiewicz’s recusal. App. 387–93. Justice Protasiewicz did not recuse from the case; instead, she declined to participate in deciding the motion because she was not a member of the Court when it issued the judgment from which the Hunter Intervenors sought relief. App. 463–65.

Now, a slightly reconfigured group of Republican congressmen and individual voters (“Movants”) have filed yet another recusal motion in this case.⁵ Movants reprise the same

⁵ Congressmen Glenn Grothman, Bryan Steil, Tom Tiffany, Scott Fitzgerald, and Mike Gallagher were among the movants who filed the recusal motion in 2024. The present motion was filed by Congressmen Glenn

claims based on the same facts and the same settled law that animated the Legislature's earlier failed motion in *Clarke*, leading to the same answer: the motion to recuse should be denied.

ARGUMENT

A judge's disqualification is mandatory "only when that judge makes a determination that, in fact or in appearance, he or she cannot act in an impartial manner." *State v. Am. TV & Appliance of Madison, Inc.*, 151 Wis. 2d 175, 183, 443 N.W.2d 662, 665 (1989). "The decision of a justice to recuse or disqualify himself or herself is that of the justice alone." *State v. Henley*, 2011 WI 67, ¶ 26, 338 Wis. 2d 610, 623, 802 N.W.2d 175, 181. Movants do not identify any basis for Justice Protasiewicz to disqualify herself from this case.

I. Justice Protasiewicz's decision not to participate in *Johnson* is inapplicable here.

Movants erroneously insist that because Justice Protasiewicz declined to participate in a motion for relief from judgment in *Johnson*, she must do the same here. But they ignore the *reason* Justice Protasiewicz declined to participate in that motion: because she "was not a member of the court when it issued its March 3, 2022 decision and order." App. 463. This explanation aligns with Justices' practice of declining to participate in the

Grothman, Bryan Steil, Tom Tiffany, Scott Fitzgerald, Derrick Van Orden, Tony Wied, and several individual voters.

decision to rehear a case if they did not participate in oral argument. *See In re Matthew D.*, 2016 WI 35, ¶ 146, 368 Wis. 2d 170, 880 N.W.2d 107 (Abrahamson & Walsh Bradley, JJ., dissenting) (“In prior writings reviewing the experiences and practices of this court and the United States Supreme Court, when a new justice joins the court, the conclusion was as follows: A new justice who did not participate in oral argument does not participate in the decision of the case unless the other members of the court decide that the case should be reargued.”).

Movants attempt to transform the narrow basis for Justice Protasiewicz’s decision in *Johnson* into a blanket rule barring her participation in *any* congressional redistricting case, insisting that this case “essentially asks the Court to reopen *Johnson*.” Proposed Mot. to Recuse (“Mem.”) at 47 (June 5, 2025). But their qualifier makes all the difference. The entire reason Justice Protasiewicz declined to participate was because the Hunter Intervenors filed a motion on the *Johnson* docket, explicitly seeking to reopen the *Johnson* litigation, and requesting reconsideration of the *Johnson II* judgment. Justice Protasiewicz’s decision did not turn on the substantive issues involved in *Johnson*; she simply followed the procedural practice of allowing the decision to rehear a case to be made by the members of the Court who had heard it in the first instance. Had the six other Justices voted to reopen *Johnson*, it would have been entirely consistent with this Court’s practice for

Justice Protasiewicz to participate in resolving the merits of the case, just as it is appropriate for her to participate in this one. See *In re Matthew D.*, 2016 WI 35, ¶ 146 (Abrahamson & Walsh Bradley, JJ., dissenting) (“The new justice may participate in reargument.”); *State v. Matalonis*, 2016 WI 7, ¶¶ 80-81, 366 Wis. 2d 443, 488–89, 875 N.W.2d 567, 589 (Abrahamson, J., dissenting) (noting that while the decision whether to reargue a case is typically made “without the new justice’s input,” “[t]he new justice may participate in reargument and subsequent proceedings”); *New Richmond News v. City of New Richmond*, 2015 WI 106, ¶ 22, 365 Wis. 2d 610, 875 N.W.2d 107 (Abrahamson, J., concurring) (“After I was sworn in, a seven-member court, including me, sat for reargument and decided the case. An opinion was issued on November 30, 1976.”).

In any event, Movants’ attempt to liken this case to *Johnson* fails on its own terms. As Petitioners have explained, and as the Johnson Parties themselves reinforced, *Johnson* was a malapportionment case, and this Court’s statements on partisan gerrymandering were dicta. See Reply in Supp. of Pet. at 12 (June 11, 2025). And Movants’ unsupported attempt to conflate the parties to this litigation with their counsel should be rejected outright; Petitioners are different parties from the Hunter Intervenors who participated in *Johnson*. Just like *Clarke*, this case presents a challenge to a redistricting map adopted in

Johnson brought by different parties and based on different legal theories.

If anything, Justice Protasiewicz's decision not to participate in the motion to rehear *Johnson* defeats Movants' outlandish suggestion that she would be unable to forgo "an opportunity to declare the *Johnson II* map unconstitutional." Mem. at 31; *see also id.* at 35–36 (suggesting Justice Protasiewicz "cannot afford to go back" on her alleged promise to "achieve a desired outcome"). Far from disqualifying Justice Protasiewicz from considering the merits of this case, that decision illustrated her commitment to deciding each individual case based on its unique facts and the governing law—not to achieving a predetermined, preferred result. Here, the parties, posture, facts, and governing law are distinct from those considered in *Johnson* and warrant Justice Protasiewicz's full participation.

II. Movants present no new evidence that Justice Protasiewicz has prejudged the outcome of this case.

Justice Protasiewicz's comments on the campaign trail do not suggest that she prejudged the petition in this case. To make their argument to the contrary, Movants point to the same campaign statements that were highlighted in the failed *Clarke* Recusal Motion, which chronically mischaracterize Justice Protasiewicz's comments about Wisconsin's congressional map. Movants also attempt to relitigate the implications of Justice Protasiewicz's pre-*Clarke* statements about the "least change"

approach, but in doing so they persistently ignore the intervening decision by the Court in *Clarke*—binding precedent that expressly overrules the use of “least change” in court-adopted maps. *Clarke*, 2023 WI 79, ¶ 63. There is simply no basis for finding Justice Protasiewicz has prejudged this case.

A. Movants mischaracterize Justice Protasiewicz’s comments on Wisconsin’s congressional map.

Movants identify only two occasions on which Justice Protasiewicz publicly discussed her views on Wisconsin’s congressional map. On neither occasion did she “prejudge the outcome of this dispute.” Mem. at 31 (cleaned up). The first statement—made during a candidate debate—was an uncontested observation that Wisconsin is a state with “very close statewide elections,” yet “six [congressional seats] are red, [and] two are blue.”⁶ Justice Protasiewicz’s further assessment that “something’s wrong” with these figures merely expresses her recognition that there is a gap between the parties’ vote share and their seat share—a far cry from a pledge to decide this (or any) case a certain way. *See Duwe v. Alexander*, 490 F. Supp. 2d 968, 975 (W.D. Wis. 2007) (“There is a very real distinction between a judge committing to an outcome before the case begins, . . . and a judge

⁶ Channel 3000 / News 3 Now, *Wisconsin Supreme Court debate presented by News 3 Now and WisPolitics*, YouTube, at 29:20–30:10, (Mar. 21, 2023) <https://bit.ly/3HAtZtv> (“Candidate Debate”).

disclosing an opinion and predisposition before the case.”); *Clarke*, 2023 WI 66, ¶¶ 64–65. Indeed, on the same occasion, Justice Protasiewicz said:

But the question is am I able to fairly make a decision on a case. Of course I am. That’s what I spent my entire career doing. I follow laws I don’t always necessarily like or agree with. You follow the law. That’s what you do. I can assure you that every single case that I will ever handle will be rooted in the law. One hundred percent.⁷

Just as in *Clarke*, this assurance (and many others like it) “express[es] [Justice Protasiewicz’s] fundamental commitments as a judge” to “set aside [her] opinions and decide cases based on the law.” 2023 WI 66, ¶ 61.

The second statement was similar. In response to a question asking “why we have 75% Republican representation, but we have a state that is about 54% Republican,”⁸ Justice Protasiewicz asserted that the discrepancy is the result of “gerrymandering,” considering Wisconsin is a “battleground state” with close statewide elections.⁹ But critically, she said nothing about whether she believes the Wisconsin Constitution prohibits such

⁷ Candidate Debate at 26:47–27:10.

⁸ River Channel, *Western Wisconsin Journal: Wisconsin Supreme Court Candidate: Janet Protasiewicz*, at 5:08–5:18, YouTube (Feb. 12, 2023), https://www.youtube.com/watch?v=_iMTaVvt35A.

⁹ *Id.* at 5:17–6:15.

gerrymandering—the relevant issue in this case. Nor does her comment come anywhere close to a commitment, as Movants boldly suggest, to “vote in favor of finding the *Johnson II* congressional map unconstitutional regardless of the evidence or arguments presented.” Mem. at 31. Once again, Movants ignore Justice Protasiewicz’s comments during the same interview emphasizing that she would bring “impartiality” to the Supreme Court and ensure “the scales of justice are . . . even.”¹⁰ Nowhere in their motion do Movants grapple with the fact that Justice Protasiewicz repeatedly and consistently made such commitments to judicial neutrality throughout her campaign. *See Clarke*, 2023 WI 66, ¶ 53 (recounting such pledges).

Movants also contort two other isolated comments to suggest Justice Protasiewicz promised to “change . . . *Johnson II*’s conclusion that the map was constitutional ‘to [make it] fair.’” Mem. at 30. This wholly fabricated “promise” can be traced to two statements that are no more relevant now than they were in October 2023. *See Clarke*, 2023 WI 66 ¶¶ 77–78. One statement—that “[p]recedent changes when things need to change to be fair”—was referring to *Plessy v. Ferguson*, not this case. *See App.* 75. The other was a general statement that Justice Protasiewicz might “enjoy taking a fresh look” at Wisconsin’s electoral districts, while qualifying that how and if “the issue will come to the court is a

¹⁰ *Id.* at 3:30–4:00.

completely different question.” *Clarke*, 2023 WI 66, ¶ 77 (providing context of quote). Movants’ attempt to divorce these statements from their proper context is no more availing now than it was in *Clarke*, and once again offers nothing to warrant Justice Protasiewicz’s recusal.

B. Justice Protasiewicz’s pre-*Clarke* comments about the “least change” approach have no bearing on this post-*Clarke* case.

Movants further insist that Justice Protasiewicz’s campaign statements about *Johnson II*’s “least change” approach require her recusal. Mem. at 31–33. But this Court has already overruled “least change,” holding the approach is “unworkable,” “based on fundamentals that never garnered consensus,” and “is in tension with established districting requirements.” *Clarke*, 2023 WI 79, ¶ 63. Thus, Justice Protasiewicz’s comments that the approach was “unfair” and lacked any legal basis are unremarkable—it is now the law of the land that the Court may not “mandate a least change approach,” regardless of any Justice’s personal views on the issue. *Id.*

Movants also misunderstand the relevance of the “least change” approach to this case. Petitioners do not seek to relitigate the merits of “least change”—this Court has already held that it violates Wisconsin law to draw a court-adopted map using that approach. *Id.* ¶ 63. Nor is this Court’s application of the “least change” principle solely a “remedial question in this case.” Mem.

at 31. Petitioners advance a standalone claim asserting that it would be inconsistent with the separation of powers to continue to enforce a court-adopted congressional map created under the now-abolished “least change” approach to redistricting, in willful ignorance of partisan impact, and in direct contravention of *Clarke*’s command to “take care to avoid selecting remedial maps designed to advantage one political party over another.” 2023 WI 79, ¶¶ 63, 71. The petition thus challenges the constitutionality of prospective enforcement of congressional districts that were drawn in violation of Wisconsin law as set forth in *Clarke*, presenting an issue that Justice Protasiewicz could not have pre-judged during a campaign that concluded well before this Court issued its decision in *Clarke*.¹¹

It would be particularly nonsensical to require Justice Protasiewicz’s recusal based on campaign comments on “least change,” because *every* Justice on this Court has now published an opinion on that issue. *See id.* ¶¶ 60–63 (overruling use of least change approach and cataloging views of other justices). As Justice Protasiewicz explained in 2023, “[i]f issuing an opinion does not disqualify a judge from hearing future cases that involve similar issues, then neither does expressing agreement with an opinion or

¹¹ The same goes for Justice Protasiewicz’s comment that she agreed with “the dissent in [the] maps case.” App. 66. This vague remark does not prove that she pre-judged how she would rule on Petitioners’ separation-of-powers claim, which has never been addressed before.

describing [one's] values about political issues.” *Clarke*, 2023 WI 66, ¶ 22. *See also Republican Party of Minn. v. White*, 536 U.S. 765, 780–81 (2002) (“We doubt . . . that a mere statement of position enunciated during the pendency of an election will be regarded by a judge as more binding . . . than a carefully considered holding that the judge set forth in an earlier opinion.”).

III. Movants’ substantively identical recusal motion was denied in *Clarke* for reasons that apply with equal force here.

Movants repeat the same legal arguments that were rejected in the Legislature’s *Clarke* Recusal Motion. Because they fail to offer any new reason for Justice Protasiewicz’s recusal, Movants’ reprised attempt should similarly be denied.

A. Due process does not require Justice Protasiewicz’s recusal.

The Due Process Clause does not require Justice Protasiewicz’s recusal here for the same reasons it did not in *Clarke*. As discussed above in Section II, Justice Protasiewicz’s campaign statements do not demonstrate that she predetermined resolution of the issues presented in the instant petition. *See Clarke*, 2023 WI 66, ¶¶ 60–69. And due process “does not prohibit a judge from sitting on a case after expressing an opinion on an issue.” *Id.* ¶ 62. Moreover, the Wisconsin Judicial Commission “rejected claims that [Justice Protasiewicz’s] campaign statements undermined the integrity and independence of the judiciary;

demonstrated bias or prejudice; or committed [her] to a decision on a case, controversy, or issue that was likely to come before [her],” thereby “dispos[ing] of [Movants’] claims that [Justice Protasiewicz’s] campaign statements violate due process.” *Id.* ¶ 76. Nor can Movants rely on *Caperton* any more effectively here than the Legislature did in their *Clake* Recusal Motion. It is still the case that no court has ever applied *Caperton* to “require[] a judge to recuse based on her campaign statements.” *Id.* ¶ 70 (citing *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009)).

Likewise, Movants’ recycled due-process argument with respect to the DPW’s contributions to Justice Protasiewicz’s campaign is squarely foreclosed by *Clarke*. See 2023 WI 66, ¶¶ 25–51 (applying *Caperton* and holding that the DPW’s contributions did not require recusal because the DPW was not involved in the litigation and its contributions did not exert undue influence in getting Justice Protasiewicz elected). As Justice Protasiewicz explained in *Clarke*, requiring recusal “based on campaign contributions from the DPW—a non-party to this case—would be unprecedented” and “would also raise unprecedented problems for [her] colleagues” whose judicial campaigns received “substantial financial support” from single entities including the Republican Party. *Id.* ¶ 39. Forcing Justices to recuse “whenever their involvement in a case might somehow indirectly benefit groups that provided substantial support to their campaigns” would leave

the Court barren “whenever a case involved issues of great social, political, or commercial importance to any major campaign funder.” *Id.* ¶ 40. This case proves just how unworkable Movants’ proposed recusal rule would be. A majority of Justices on this Court have received substantial campaign contributions from partisan entities, *see id.* ¶ 39 (detailing campaign contributions); by Movants’ logic, the partisan issues involved in this case would require them all to recuse.¹²

Movants try to avoid this consequence by asserting that, despite the fact that DPW is not a party to this litigation, Petitioners are sufficiently “aligned with the Democratic Party” because of their choice of counsel. *See Mem.* at 21; *see also id.* at 37–39. This outlandish assertion is entirely unsupported, and Movants do not even attempt to allege any connection between Petitioners and Justice Protasiewicz. Like the petitioners in *Clarke*, Petitioners here are “citizens who allege violations of their own individual rights.” 2023 WI 66, ¶ 38.

¹² Perhaps for this reason, the Wisconsin Code of Judicial Ethics explicitly states that recusal is *not* required “based solely on any endorsement or the judge’s campaign committee’s receipt of a lawful campaign contribution.” SCR 60.04(7). In 2009, the League of Women Voters petitioned for an amendment to the Code of Judicial Ethics that would have required a judge to recuse if a party to the proceeding made a contribution of \$1,000 or more to the judge’s campaign. The petition was denied by a vote of 4-3. Order, *In the matter of amendment of the Code of Judicial Conduct’s rules on recusal*, Nos. 08-16, 08-25, 09-10, & 09-11, 2010 WI 73 (July 7, 2010).

B. Wisconsin law does not require Justice Protasiewicz's recusal.

Movants' argument that Justice Protasiewicz's recusal is required under Wis. Stat. § 757.19(2)(f) and (g) is just as meritless as it was in *Clarke*. Whether a judge must recuse under Section 757.19(2)(g) is—still—a “purely subjective” determination. *Clarke*, 2023 WI 66, ¶ 81. And just eighteen months ago, Justice Protasiewicz “considered all of the facts and legal authorities presented for and against recusal” in a redistricting case, and determined that she could, “in fact and appearance, act in an impartial manner.” *Id.* ¶ 86 (explaining that she has “decided many difficult cases,” “approached them with an open mind and decided them based on the facts and the law,” and swore to “faithfully and impartially discharge the duties of the office” (internal quotation marks omitted)). Movants offer no reason for Justice Protasiewicz to reconsider this determination.

Finally, Movants try again to suggest Justice Protasiewicz should recuse under Section 757.19(2)(f) by alleging that her campaign statements gave her a “personal interest in the outcome of the matter.” *See* Mem. at 43–45. But as in *Clarke*, Movants “offer[] no facts establishing or creating a reasonable inference” that her campaign statements had such an effect; nor do they “cite any case to support that argument.” 2023 WI 66, ¶ 92. Consequently, Movants fail to provide any basis to conclude that

Justice Protasiewicz has a significant personal interest in the outcome of this case. *See* Wis. Stat. § 757.19(2)(f).

CONCLUSION

For the foregoing reasons, the motion to recuse should be denied.

Dated: June 24, 2025

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