

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

LISA HUNTER, JACOB ZABEL, JENNIFER
OH, JOHN PERSA, GERALDINE SCHERTZ,
& KATHLEEN QUALHEIM,

Plaintiffs,

BILLIE JOHNSON, ERIC O'KEEFE,
ED PERKINS, RONALD ZAHN,

Intervenor-Plaintiffs,

LEAH DUDLEY, SOMESH JHA, JOANNE
KANE, MICHAEL SWITZENBAUM, JEAN-
LUC THIFFEAULT, STEPHEN JOSEPH
WRIGHT,

Proposed Intervenor-Plaintiffs,

v.

MARGE BOSTELMANN, JULIE M.
GLANCEY, ANN S. JACOBS, DEAN
KNUDSON, ROBERT F. SPINDELL, JR., &
MARK L. THOMSEN, in their official capacities
as members of the Wisconsin Elections
Commission,

Defendants,

THE WISCONSIN LEGISLATURE,

Intervenor-Defendant,

CONGRESSMEN SCOTT FITZGERALD,
MIKE GALLAGHER, GLENN GROTHAM,
BRYAN STEIL, TOM TIFFANY,

Intervenor-Defendant,

GOVERNOR TONY EVERS,

Intervenor-Defendant.

No. 3:21-cv-00512-jdp-ajs-ec

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BLACK LEADERS ORGANIZING FOR COMMUNITIES, VOCES DE LA FRONTERA, THE LEAGUE OF WOMEN VOTERS OF WISCONSIN, CINDY FALLONA, LAUREN STEPHENSON, & REBECCA ALWIN, MELODY McCURTIS, HELEN HARRIS, EDWARD WADE, JR., BARBARA TOLES, SEAN TATUM, WOODROW WILSON CAIN, II, TRACIE Y. HORTON, NINA CAIN,

Plaintiffs,

v.

MARGE BOSTELMANN, JULIE M. GLANCEY, ANN S. JACOBS, DEAN KNUDSON, ROBERT F. SPINDELL, JR., & MARK L. THOMSEN, in their official capacities as members of the Wisconsin Elections Commission, MEGAN WOLFE, in her official capacity as the administrator of the Wisconsin Elections Commission,

Defendants.

No. 3:21-cv-00534-jdp-ajs-ec

THE WISCONSIN LEGISLATURE'S RESPONSE REGARDING DISMISSAL

This Court has requested all parties to update their positions about whether these consolidated federal cases ought to be dismissed in light of the final opinion and order from the Supreme Court of Wisconsin. Dkt. 134. On Friday, April 15, 2022, following a remand from the United States Supreme Court reversing the state court's initial remedy because it was based on a misapplication "of decisions of this Court regarding the relationship between the constitutional guarantee of equal protection and the VRA," *Wis. Legislature v. Wis. Elections Comm'n*, 142 S. Ct. 1245, 1248 (2022) (per curiam), the state supreme court issued final decisions and orders about which legislative districts would govern for the forthcoming 2022 elections. See *Johnson v. Wis. Elections Comm'n (Johnson III)*, ___ N.W.2d ___, 2022 WL 1125401 (Wis. Apr. 15, 2022). The state supreme court also rejected motions to reconsider its final decision regarding congressional districts, leaving in place the plan it adopted in its March 3, 2022 decision. See *Johnson v. Wis. Elections Comm'n*, No. 21AP1450-OA (Apr. 15, 2022) (denying motion to reconsider congressional districts adopted in *Johnson v. Wis. Elections Comm'n (Johnson II)*, 971 N.W.2d

402, 419 (Wis. 2022), *rev'd on other grounds sub nom., Wis. Legislature v. Wis. Elections Comm'n*, 142 S. Ct. 1245 (2022)). The state court has thus resolved all redistricting issues. *See* Dkt. 134. The state court has adopted legislative maps that “comply[] with federal and state law.” *Johnson III*, 2022 WL 1125401, at *4, *18; *see also Johnson II*, 971 N.W. at 419 (adopting new congressional districts).

These federal cases must therefore come to an end. The districts that plaintiffs challenged in these consolidated cases have been superseded by the state court’s decisions and will not be used in future Wisconsin elections. For this and all the other reasons stated in the Wisconsin Legislature’s previous submissions to this Court regarding the status of these federal proceedings, the federal complaints should be dismissed. *See* Dkt. 126, 133. As this Court correctly forecasted, Dkt. 127, at this stage of the proceedings, there is no authority to revisit the Wisconsin Supreme Court proceedings and the resulting electoral districts.

Dated: April 20, 2022

Respectfully submitted,

/s/ Kevin M. St. John

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Counsel for the Wisconsin Legislature

CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2022, I served the foregoing document with the Clerk of Court using the Court's ECF system, thereby serving all counsel who have appeared in this case.

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