

Supreme Court of Wisconsin

FILED

09-28-2026

CLERK OF WISCONSIN
SUPREME COURT

No. 2024AP2484

DEMOCRATIC NATIONAL
COMMITTEE V. BOEHM

L.C.#2024CV730

September 28, 2026

The Court has entered the following order:

A petition for expedited review pursuant to WIS. STAT. § 808.10 having been filed on behalf of petitioner-respondent-petitioner, the Democratic National Committee, and considered by this court;

IT IS ORDERED that the petition for review is granted. The court notes that the Democratic National Committee requests expedited review on the ground that circuit courts and clerks will be "left wondering whether the Court of Appeals' decision limits their ability to act in emergency circumstances." Intervenor-appellant, the Republican National Committee, in response, takes the position that the Court of Appeals' decision "recognized that circuit courts have... authority [to equitably extend polling hours] when presented with circumstances establishing harm to legally protected rights." Accordingly, we conclude that expedited review is not warranted under these circumstances.

IT IS FURTHER ORDERED that pursuant to WIS. STAT. (Rule) § 809.62(6), the Democratic National Committee may not raise or argue issues not set forth in the petition for review unless otherwise ordered by the court; and

IT IS FURTHER ORDERED that pursuant to WIS. STAT. (Rule) § 809.62(6) and 809.63, within 30 days after the date of this order the Democratic National Committee must file a brief in this court; that within 20 days of filing the Republican National Committee must file either a brief or a statement that no brief will be filed; and that if a brief is filed by the Republican National Committee, within 10 days of filing the Democratic National Committee must file either a reply brief or a statement that no reply brief will be filed; and

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IT IS FURTHER ORDERED that in any brief filed in this court the parties shall not incorporate by reference any portion of their court of appeals' brief or petition for review or response; instead, any material in these documents upon which there is reliance should be restated in the brief filed in this court; and

IT IS FURTHER ORDERED that the first brief filed in this court must contain, as part of the appendix, a copy of the decision of the court of appeals in this case; and

IT IS FURTHER ORDERED that the allowance of costs, if any, in connection with the granting of the petition will abide the decision of this court on review.

CHRIS TAYLOR, J., dissents with respect to the court's denial of the request to expedite.

ANNETTE KINGSLAND ZIEGLER, J., writing separately.

A month ago, I dissented when the majority expedited the briefing schedule in the petition for review phase of this case. *DNC v. Boehm*, No. 2024AP2484, unpublished order, at 1–4 (Wis. Aug. 13, 2026) (Ziegler, J., dissenting). Today, the majority, in the grant order of the DNC's petition for review, contends that it will not expedite the case. But in reality, it already has fast-tracked this case ahead of others.

Additionally, the majority takes the unusual step of adding the following language to this grant order: "[T]he Republican National Committee . . . takes the position that the Court of Appeals' decision 'recognized that circuit courts have . . . authority [to equitably extend polling hours] when presented with circumstances establishing harm to legally protected rights.'" Why would the court insert this language in what should be a standard grant order? Of course, the court cannot change the court of appeals' opinion or decide the issue before us in a grant order, but adding this language is confounding. To state the obvious, our court has not overturned the court of appeals' decision, which held that the circuit court did not have statutory, inherent, or equitable authority to, under the circumstances in the 2024 general election, extend the polling place hours beyond 8:00 p.m. as is stated in Wis. Stat. § 6.78(1m). *DNC v. Boehm*, 2026 WI App 44, ¶¶52, 58, 69, ___ Wis. 2d ___, ___ N.W.3d ___.

In the DNC's petition for review, the DNC framed the primary issue as whether "state courts have the authority to grant election participants' requests to extend polling hours to avoid infringing on Wisconsin's right to vote." Some might mistakenly read the majority's selected language as if the parties agree on the issue before us, but the issue before us is more nuanced.

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Nonetheless, it is curious that the majority handpicks its quote from the RNC's response to the petition for review without recognizing that the quote is preceded by the phrase, "[r]ather, the Court of Appeals properly determined that the [Walworth County] Circuit Court did not have authority to equitably extend polling hours." Thus, the majority's quote, when read in context, demonstrates that the RNC made this statement in agreement with the court of appeals' conclusion that such remedies apply only when there is "an invasion of [someone's] rights" and a "'wrong' to be corrected." *Boehm*, 2026 WI App 44, ¶63. The grant order should issue without the additional language, as the court of appeals' opinion should speak for itself, and the majority might appear to be opining on an issue before us, in a grant order, in favor of the DNC, before any briefing or oral argument has occurred. The added language is unnecessary in the grant order.

The petition is granted, but I vociferously object to the majority fast-tracking this case, and I disagree with the order as written.

BRIAN HAGEDORN, J., writing separately.

I agree with the court's determination that further expediting this petition is unwarranted. I nonetheless agree with Justice Ziegler that the additional language in the grant order could be confusing and would not include it.

Samuel A. Christensen
Clerk of Supreme Court

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