

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

LISA HUNTER, et al.,

Plaintiffs,

BILLIE JOHNSON, et al.,

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.,

Intervenor-Defendants,

GOVERNOR TONY EVERS,

Intervenor-Defendant.

PROPOSED INTERVENOR-DEFENDANT TONY EVERS' ANSWER

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

Introduction

1. Evers admits the allegations in paragraph 1.
2. Evers admits the allegations in paragraph 2.
3. Evers admits the allegations in paragraph 3 but opposes Intervenor-Plaintiffs' request to stay this action.
4. With respect to the allegations in paragraph 4, Evers lacks knowledge to form a belief about the allegations related to Intervenor-Plaintiffs specifically but otherwise admits the allegations.
5. Evers admits the allegations in paragraph 5.
6. Evers lacks knowledge or information to form a belief about the allegations in paragraph 6.
7. Evers admits the allegations in paragraph 7 but states that the likelihood of the Legislature approving plans that the Governor can sign is low.
8. Evers states that paragraph 8 states legal conclusions to which no response is required and deny anything inconsistent with article I, section 4 of the United States Constitution.
9. Evers states that paragraph 9 states legal conclusions to which no response is required and denies anything inconsistent with *Grove v. Emison*, 507 U.S. 25 (1993).

10. With respect to paragraph 10, Evers admits that the Intervenor-Plaintiffs have asked the Wisconsin Supreme Court to take jurisdiction over a redistricting case. Evers states that the remaining allegations in paragraph 10 state legal conclusions to which no response is required.

Jurisdiction and Venue

11. Evers admits the allegations in paragraph 11.

12. Evers admits the allegations in paragraph 12.

13. As to paragraph 13, Evers admits that venue is proper in the Western District of Wisconsin.

Parties

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

15. 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 15.

16. Evers admits that malapportioned districts result in unconstitutionally diluted votes for residents of overpopulated districts but lacks knowledge or information to form a belief about the remaining allegations in paragraph 16.

17. Evers admits that malapportioned districts result in unconstitutionally diluted votes for residents of overpopulated districts but lacks knowledge or information to form a belief about the remaining allegations in paragraph 17.

18. Evers admits that malapportioned districts result in unconstitutionally diluted votes for residents of overpopulated districts but lacks knowledge or information to form a belief about the remaining allegations in paragraph 18.

19. Evers admits that malapportioned districts result in unconstitutionally diluted votes for residents of overpopulated districts but lacks knowledge or information to form a belief about the remaining allegations in paragraph 19.

20. Evers admits the allegations in paragraph 20.

21. Evers admits the allegations in paragraph 21.

Statement of Facts

22. Evers admits the allegations in paragraph 22.

23. Evers admits the allegations in paragraph 23.

24. Evers admits the allegations in paragraph 24.

25. With respect to paragraph 25, Evers admits that the court in *Baldus v. Members of Wisconsin Government Accountability Board*, 849 F. Supp. 2d 840 (E.D. Wis. 2012) granted relief to the plaintiffs on a claim under Section 2 of the Voting Rights Act relating to Assembly Districts 8 and 9 and held that the existing congressional, state senate and state assembly maps satisfied equality of population and denies the remaining allegations.

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 the first and second sentences in paragraph 30. With respect to the third sentence, Evers lacks knowledge or information to form a belief about the allegations related to Intervenor-Plaintiffs but admits the 2nd and 8th Congressional Districts are overpopulated.

31. Evers admits the allegations in paragraph 31.

32. As to paragraph 32, Evers admits that the current assembly and senate districts are malapportioned but states he lacks knowledge or

information to form a belief about the allegations related to the Intervenor-Plaintiffs.

33. As to paragraph 33, Evers admits that the current senate districts are malapportioned but states he lacks knowledge or information to form a belief about the allegations related to the Intervenor-Plaintiffs.

34. As to paragraph 34, Evers admits that the current congressional and legislative maps are malapportioned but states that the remaining allegations state legal conclusions to which no response is required.

35. Evers states that the allegations in paragraph 35 state a legal conclusion to which no response is required. Evers further states that courts are not required to enact a map that makes the least number of changes to an existing map.

Claims for Relief

Count I

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

37. Evers admits the allegations in paragraph 37.

38. Evers admits the allegations in paragraph 38.

39. As to paragraph 39, 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 Intervenor-Plaintiffs.

Count II

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

41. Evers admits the allegations in paragraph 41.

42. As to paragraph 42, Evers admits that Wisconsin's current congressional 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 Intervenor-Plaintiffs.

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. Evers further states that courts are not required to enact a map that makes the least number of changes to an existing map.

Dated this 7th day of October 2021.

Respectfully submitted,

JOSHUA L. KAUL
Attorney General of Wisconsin

Electronically signed by:

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