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No. 23AP1399-OA

In the Supreme Court of Wisconsin

REBECCA CLARKE, RUBEN ANTHONY, TERRY DAWSON, DANA GLASSTEIN, ANN GROVES-LLOYD, CARL HUJET, JERRY IVERSON, TIA JOHNSON, ANGIE KIRST, SELIKA LAWTON, FABIAN MALDONADO, ANNEMARIE MCCLELLAN, JAMES MCNETT, BRITTANY MURIELLO, ELA JOOSTEN (PARI) SCHILS, NATHANIEL SLACK, MARY SMITH-JOHNSON, DENISE SWEET and GABRIELLE YOUNG, PETITIONERS,

v.

WISCONSIN ELECTIONS COMMISSION, DON MILLIS, ROBERT F. SPINDELL, JR., MARK L. THOMSEN, ANN S. JACOBS, MARGE BOSTELMANN, JOSEPH J. CZARNEZKI, in their official capacities as Members of the Wisconsin Election Commission, MEAGAN WOLFE, in her official capacity as the Administrator of the Wisconsin Elections Commission, ANDRE JACQUE, TIM CARPENTER, ROB HUTTON, CHRIS LARSON, DEVIN LEMAHIEU, STEPHEN L. NASS, JOHN JAGLER, MARK SPREITZER, HOWARD MARKLEIN, RACHAEL CABRAL-GUEVARA, VAN H. WANGGAARD, JESSE L. JAMES, ROMAINE ROBERT QUINN, DIANNE H. HESSELBEIN, CORY TOMCZYK, JEFF SMITH AND CHRIS KAPENGA, in their official capacities as Members of the Wisconsin Senate, RESPONDENTS

MEMORANDUM IN SUPPORT OF INTERVENTION ON BEHALF OF BILLIE JOHNSON, CHRIS GOEBEL, ED PERKINS, ERIC O'KEEFE, JOE SANFELIPPO, TERRY MOULTON, ROBERT JENSEN, RON ZAHN, RUTH ELMER, AND RUTH STRECK

WISCONSIN INSTITUTE FOR
LAW & LIBERTY, INC.

RICHARD M. ESENBERG
LUKE N. BERG
NATHALIE E. BURMEISTER
330 E. Kilbourn Ave., Ste. 725
Milwaukee, WI 53202
Phone: (414) 727-9455
Facsimile: (414) 727-6385

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INTRODUCTION

In this action, Petitioners challenge the current apportionment of Wisconsin's legislative districts. That apportionment was ordered by this Court just eighteen months ago in *Johnson v. WEC*, 2022 WI 19, 401 Wis. 2d 198, 972 N.W.2d 559 (*Johnson III*); *see also Johnson v. WEC*, 2021 WI 87, 399 Wis. 2d 623, 967 N.W.2d 469 (*Johnson I*); *Johnson v. WEC*, 2022 WI 14, 400 Wis. 2d 626, 971 N.W.2d 402 (*Johnson II*). Movants here include each of the petitioners who brought *Johnson*. In that litigation, the *Johnson* petitioners asked this Court to reapportion Congressional and state legislative maps that were malapportioned after the 2020 census. The *Johnson* petitioners—all Wisconsin electors—asked the Court to adopt a neutral, nonpartisan standard that would not consider the anticipated partisan outcomes of proposed maps. They asked that reapportionment be undertaken in conjunction with traditional redistricting criteria—equal population, compactness, contiguity, and minimal municipal splits. To avoid embroiling this Court in intrinsically political questions, they requested a "least change approach," and when evaluating and selecting a map to correct these malapportioned districts, this Court adopted each of these positions. Additionally, the *Johnson* petitioners successfully argued that partisan gerrymandering claims are non-justiciable under Wisconsin law.

Petitioners here seek to reverse the victory won by the *Johnson* petitioners. They have asserted that the current apportionment is unconstitutional because it is allegedly an extreme partisan gerrymander, and they have asked this Court to do what it declined to last year and consider the anticipated partisan outcome of the maps. Notwithstanding this Court's approval of the maps and finding that they were contiguous within the meaning of the state constitution, they also ask that the Court now find that it acted in violation of the separation of powers doctrine, and that the current maps are actually noncontiguous. Among other things, Petitioners have asked this Court to declare the current maps unconstitutional, draw new maps from scratch, and issue a writ *quo warranto* compelling all sitting state senators to undergo re-election in November 2024, regardless of term expiration. Petition at 43–45.

In its October 6, 2023, Order granting the Petition in part and denying it in part, this Court denied the Petition with respect to Issues 1–3, which asserted claims based upon various theories that so-called "partisan gerrymandering" is unconstitutional. This Court granted the Petition with respect to Issues 4–5, which Petitioners stated as follows:

> 4. Whether the state legislative redistricting plans proposed by the Legislature and imposed by this Court in *Johnson III* violate the requirement of Article IV, Sections 4 and 5 of the Wisconsin Constitution that legislators be elected from districts consisting of "contiguous territory."

5. Whether the state legislative redistricting plans proposed by the Legislature and imposed by this Court in *Johnson III* violate the separation-of-powers principle inherent in the Constitution's division of legislative, executive, and judicial power by usurping the Governor's core constitutional power to veto legislation and the Legislature's core constitutional power to override such a veto.

In addition, in granting the Petition with respect to the two issues listed above, the Court ordered the parties and proposed intervenors to answer the following four questions by October 16, 2023:

1. Do the existing state legislative maps violate the contiguity requirements contained in Article IV, Sections 4 and 5 of the Wisconsin Constitution?

2. Did the adoption of the existing state legislative maps violate the Wisconsin Constitution's separation of powers?

3. If the court rules that Wisconsin's existing state legislative maps violate the Wisconsin Constitution for either or both of these reasons and the legislature and the governor then fail to adopt state legislative maps that comply with the Wisconsin Constitution, what standards should guide the court in imposing a remedy for the constitutional violation(s)?

4. What fact-finding, if any, will be required if the court determines there is a constitutional violation based on the contiguity clauses and/or the separation-of-powers doctrine and the court is required to craft a remedy for the violation? If fact-finding will be required, what process should be used to resolve questions of fact?

Movants list the four questions because they are relevant to Movants' interests in this matter discussed further below.

Movants who were the original petitioners in the *Johnson* case seek to protect the judgment they won in *Johnson*. They and the additional Movants—

all of whom are voters who will be directly affected by redrawn district maps—do not agree that the existing maps are unconstitutional, but instead contend that the issues raised by Petitioners and the questions posed by this Court are resolved by this Court's prior decision in *Johnson*. The first two questions go to the very judgment the *Johnson* petitioners obtained. They ask this Court to depart from the conclusions it reached in *Johnson* by making arguments that could have been made there and were not. Movants should have an opportunity to respond. Although the Court has not granted review of the Petitioners' partisan gerrymandering claims, in answering the latter two questions, Movants have an interest in arguing that this Court should not consider the partisan questions it declined to consider in *Johnson*. They have an interest in arguing that, if there is a constitutional flaw in the *Johnson* maps now, this Court do no more than is necessary to remedy that violation.

Because Movants are voters with interests and desired outcomes that directly conflict with Petitioners', and wish to defend the judgment they won in *Johnson*, Movants should be permitted to intervene in this action.

BACKGROUND

As noted above, Movants Billie Johnson, Eric O'Keefe, Ed Perkins, and Ronald Zahn (the "Johnson Petitioners") were the petitioners who originally challenged the apportionment of Wisconsin's legislative districts immediately following the 2020 decennial census in *Johnson v. WEC*, 2021 WI 87, 399 Wis.

2d 623, 967 N.W.2d 469. Johnson Aff. ¶ 3; O'Keefe Aff. ¶ 4; Perkins Aff. ¶ 4; Zahn Aff. ¶ 4.

The remaining Movants—Chris Goebel, Robert Jensen, Ruth Elmer, Terry Moulton, Joe Sanfelippo, and Ruth Streck—are all Wisconsin voters who live in the same assembly and senate districts as some of Petitioners in this case and whose rights will be affected if their district boundaries change based on the arguments made by Petitioners. Goebel Aff. ¶¶ 1–3; Jensen Aff. ¶¶ 1–3; Elmer Aff. ¶¶ 1–3; Moulton Aff. ¶¶ 1–3; Sanfelippo Aff. ¶¶ 1–3; Streck Aff. ¶¶ 1–3.

ARGUMENT

I. Movants Are Entitled to Intervene as of Right.

Movants satisfy all four requirements to intervene as of right: (a) their motion is timely; (b) they have an interest sufficiently related to the subject of the action; (c) disposition of the action may, as a practical matter, impair or impede their ability to protect that interest; and (d) the existing parties do not adequately represent Movants' interests. *Helgeland v. Wisconsin Municipalities*, 2008 WI 9, ¶ 38, 307 Wis. 2d 1, 745 N.W.2d 1 (footnotes omitted); Wis. Stat. § 803.09(1). Both Wisconsin and federal case law may be used to apply these four factors because § 803.09(1) is modeled after Federal Rule of Civil Procedure 24(a)(2). *Helgeland*, 2008 WI 9, ¶ 37.

A. This Motion Is Timely.

This motion is timely. A motion is considered timely if "in view of all the circumstances the proposed intervenor acted promptly." *State ex rel. Bilder v. Delavan Twp.*, 112 Wis. 2d 539, 550, 334 N.W.2d 252 (1983). This Court granted the Petition on Friday, October 6, 2023. Movants have filed their motion to intervene four days later on October 10, 2023, the deadline set by this Court for motions to intervene. Therefore, the motion is timely.

B. Movants Have Multiple Interests in this Action.

Movants have multiple sufficient interests in the subject of this action. Wisconsin courts assess whether a movant's interests are "sufficiently related" to an action by employing a "pragmatic, policy-based approach" that views the asserted interest[s] "practically, rather than technically." *Bilder,* 112 Wis. 2d at 547–48. In other words, judicial efficiency matters, and a movant's asserted interests function "'primarily as a practical guide to disposing of lawsuits by involving as many apparently concerned persons as is compatible with due process.'" *Id.* at 548–549 (citation omitted). While there must be some "sense in which the interest is 'of such direct and immediate character that the intervenor will either gain or lose by the direct operation of the judgment,'" *Helgeland,* 2008 WI 9, ¶ 45, the movant's interest does not have to be "'judicially enforceable' in a separate proceeding." *Wolff v. Town of Jamestown*, 229 Wis. 2d 738, 744, 601 N.W.2d 301 (Ct. App. 1999). Additionally, an interest

that is "special, personal, or unique" weighs in favor of intervention. *Helgeland,* 2008 WI 9, ¶¶ 116.

Movants assert multiple, sufficiently related interests in this action: (1) as voters, Movants have multiple interests that directly mirror those claimed by Petitioners; (2) Movants have an interest in having the state senators they voted for and elected serve their full terms; and (3) the Johnson Petitioners, in particular, have an interest in defending the judgment they obtained in *Johnson*, their prior litigation.

First, as Wisconsin voters who both live in Wisconsin and vote in Wisconsin elections, they are subject to the existing apportionment maps and would be directly affected if this Court were to replace those maps with a new one. Johnson Aff. ¶ 1; O'Keefe Aff. ¶ 1; Perkins Aff. ¶ 1; Zahn Aff. ¶ 1; Goebel Aff. ¶ 1; Jensen Aff. ¶ 1; Elmer Aff. ¶ 1; Moulton Aff. ¶ 1; Sanfelippo Aff. ¶ 1; Streck Aff. ¶ 1. Movants believe the existing maps are lawful and do not want to be placed in different districts based upon the invalid criteria proposed by Petitioners in this case.

As voters, Movants are in the same posture as Petitioners. If Petitioners have standing, then Movants necessarily have an interest in intervening to defend the existing maps. If this Court were to permit some voters to challenge the existing maps while denying other voters the ability to intervene to defend those maps, it would raise serious questions of fairness, impartiality, and due

process. *See, e.g.*, *LaChance v. Erickson*, 522 U.S. 262, 262 (1998) (the "core" of procedural due process is a "meaningful opportunity to be heard").[1]

More specifically, with respect to Petitioners' "separation of powers" claim, Petitioners' position appears to be that, by adopting maps that the Governor vetoed, the Court overrode that veto. But if that were correct, then it would be equally true that, by adopting a map proposed by the Governor, it would be granting him legislative powers, and that would also violate the separation of powers. This would create an endless feedback loop which could not even be avoided by precluding the Governor and Legislature from participation in judicial redistricting. In any case, the judiciary would be making a policy choice that is constitutionally reserved to the political branches. The answer is that the Legislature, Governor, and individual legislators were acting as litigants in *Johnson,* and the Court—because it adopted the rules urged by the Movants—was applying the law and not making the political judgments that are made by the Legislature and Governor.

If Petitioners have standing to bring this claim, Movants necessarily have an interest in intervening to ensure that any map adopted by this Court does not itself violate separation of powers. After all, if a Court-selected map

[1] Moreover, as the Supreme Court has recognized, there are no judicially discernible standards for assessing claims that maps are "too" partisan or "just right." *Rucho v. Common Cause*, 139 S. Ct. 2484, 2497 (2019). For new maps to be adopted without discernible legal standards would itself violate due process.

can violate separation of powers, then so could a new map selected by this Court in *this very case*. As Movants will explain in more detail, tossing out the existing map solely because it was submitted in litigation by the Legislature—which appears to be Petitioners' theory—is a greater separation-of-powers problem than anything Petitioners have identified.

Similarly, with respect to the contiguity claim, Petitioners' theory of standing appears to be that they, as voters, have an interest in ensuring that the districts they are in are contiguous. *E.g.*, Petition ¶ 6. Movants, as voters, would necessarily have the same interest.[2] Movants disagree that the districts approved in *Johnson* are not contiguous. As this Court previously held, as longstanding practice in this state demonstrates, as all the maps in *Johnson* assumed, and as Movants will argue, "contiguity" refers to *legal* contiguity, i.e., keeping distinct portions of the same municipality or jurisdiction together. *Johnson I*, 2021 WI 87, ¶ 36. If this Court now adopts Petitioners' overly simplistic and belated version of "contiguity," it will directly harm Movants' interest in preserving contiguity in the sense of keeping legal jurisdictions together. Assuming this Court has not pre-determined which view of

[2] Multiple of the Movants reside in districts that Petitioners claim are "noncontiguous." *Compare* Zahn Aff. ¶ 2; Goebel Aff. ¶ 2; Jensen Aff. ¶ 2; Elmer Aff. ¶ 2; Moulton Aff. ¶ 2; *and* Sanfelippo Aff. ¶ 2 *with* Petition at 36–37 and nn. 1–2.

"contiguity" is correct, it should allow both sides to defend their interest in preserving contiguity as they understand it.[3]

Given that there are conflicting, mirror-image interests on either side in any redistricting case, like there are here, courts regularly allow multiple parties—including individuals, voters, and voter groups—to intervene. Indeed, in *Johnson*, this Court "granted intervention to all parties that sought it," recognizing the broad-reaching effects its decision would have. *Johnson II*, 2022 WI 14, ¶ 2. It should do the same here.

Voters and voter groups have been permitted to intervene in many other redistricting cases as well. *See Wisconsin State AFL-CIO v. Elections Bd.*, 543 F. Supp. 630 (E.D. Wis. 1982) (the League of Women Voters and several individuals were among those permitted to intervene in redistricting litigation following the 1980 decennial census); *Prosser v. Elections Bd.*, 793 F. Supp. 859 (W.D. Wis. 1992) (per curiam) (several individuals were permitted to participate as intervening defendants in redistricting litigation following the 1990 decennial census); *Baldus v. Members of Wisconsin Gov't Accountability Bd.*, 849 F. Supp. 2d 840, 847 (E.D. Wis. 2012) (per curiam) (this consolidated action was initiated by a group of individual voters and Voces de la Frontera,

[3] The contiguity issue raised by the Petitioners also raises a laches problem. They are represented by many of the same lawyers and could have made this argument in *Johnson* when the apportionment based on the 2020 census was done, yet they did not.

Inc., and members of both political parties were permitted to intervene). In each case, a variety of parties including individuals, voters, and voter groups who disagreed with the arguments of and outcome sought by the original plaintiffs were permitted to intervene in order to protect their interests.

Second, Movants Chris Goebel, Ed Perkins, Eric O'Keefe, Joe Sanfelippo, Terry Moulton, Robert Jensen, Ron Zahn, Ruth Elmer, and Ruth Streck all have an interest in their duly-elected representatives in the Senate serving out their full terms. This interest will be directly injured if this Court issues the writ of *quo warranto* that Petitioners request, compelling all state senators to sit for re-election, regardless of term expiration.

Among other forms of relief, Petitioners ask this Court to "order special elections in November 2024 for all odd-numbered state senate districts that would not otherwise occur until November 2026." Petition 44. Our Constitution calls for the staggered election of state senators for a reason. Voters and campaign supporters elect a senator with the expectation that he or she will serve four years. Movants who supported senators subject to this request ought to be heard. Movants Chris Goebel, Ed Perkins, Eric O'Keefe, Joe Sanfelippo, Terry Moulton, Robert Jensen, Ron Zahn, Ruth Elmer, and Ruth Streck all reside in odd-numbered Senate Districts and voted for the state senator who won the election in November 2022. O'Keefe Aff. ¶¶ 2–3; Perkins Aff. ¶¶ 2–3; Zahn Aff. ¶¶ 2–3; Goebel Aff. ¶¶ 2–3; Jensen Aff. ¶¶ 2–3; Elmer Aff. ¶¶ 2–3; Moulton Aff. ¶¶ 2–3; Sanfelippo Aff. ¶¶ 2–3; Streck Aff. ¶¶ 2–3. Granting the

relief Petitioners seeks would directly disenfranchise these Movants by cutting short the representation of the senator they voted for by a full two years.

Moreover, laches also prevents this Court from issuing the writ *quo warranto* that Petitioners have asked for, and the rationale for that doctrine reinforces Movants' interest here. As this Court has noted, "[e]xtreme diligence and promptness are required on election-related matters." *Trump v. Biden*, 2020 WI 91, ¶ 11, 394 Wis. 2d 629, 951 N.W.2d 568 (citation omitted). While *Trump* involved election administration, laches also applies in redistricting cases and has sometimes barred redistricting claims entirely, because "voters have come to know their districts and candidates, and will be confused by change," and because Court-ordered redistricting that falls too close in time to mandatory, census-based redistricting can result in "voter confusion, instability, dislocation, and financial and logistical burden on the state." *Fouts v. Harris,* 88 F.Supp.2d 1351, 1354 (S.D. Fla. 1999), *aff'd sub nom. Chandler v. Harris*, 529 U.S. 1084 (2000), citing *White v. Daniel,* 909 F.2d 99, 104 (4th Cir.1990); *see also Knox v. Milwaukee Cty. Bd. of Elections Comm'rs*, 581 F. Supp. 399, 405, 408 (E.D. Wis. 1984) (applying laches and denying motion for a preliminary injunction in a Milwaukee County redistricting lawsuit). Movants properly voted for and elected their current senators and would be directly harmed if their terms were cut short by this Court.

Third, Movants have an interest in defending the judgment they obtained in *Johnson*. After a lengthy litigation process, this Court adopted

maps drawn by the Legislature because the Legislative and Executive branches could not agree on a map, and no other proffered map better adhered to the applicable legal standards. *See Johnson I,* 2021 WI 87*,* ¶ 18 (main op.)*; Johnson II*, 2022 WI 14, ¶ 3 (main op.); *Johnson III*, 2022 WI 19, ¶ 155 (Hagedorn, J., concurring).

The Johnson Petitioners, as prior prevailing plaintiffs, and collectively, as Wisconsin voters, desire to argue that the principles articulated, accepted, and applied in *Johnson* apply to this case—specifically, the "least-change approach"—and that the existing maps are contiguous. Movants further desire to argue that maps adopted by a court do not violate the separation of powers doctrine merely because they were not approved by the Governor (the Governor has no veto power over court-drawn maps). Finally, Movants want to make sure that, given this Court's decision denying an original action with respect to the asserted claims for partisan gerrymandering, those claims do not creep back into this case at the remedial stage, if the Court ultimately adopts new maps.

In *Johnson*, this Court held that when adopting new maps, this Court should do so under a "least-change" approach and that partisan gerrymandering claims are non-justiciable under current Wisconsin law. *Compare Johnson I,* 2021 WI 87, ¶ 72 ("Because our power to issue a mandatory injunction does not encompass rewriting a duly enacted law, our judicial remedy 'should reflect the least change' necessary for the maps to

comport with relevant legal requirements." (main op.) (citation omitted)); *with id.* ¶ 82, n. 4 (Hagedorn, J., concurring) ("I concur in the majority's conclusions that: (1) remedial maps must comply with the United States Constitution; the Voting Rights Act; and Article IV, Sections 3, 4, and 5 of the Wisconsin Constitution; (2) we should not consider the partisan makeup of districts; and (3) our relief should modify existing maps under a least-change approach.").

Other courts have allowed the prevailing parties in prior litigation to intervene to defend their judgment from a collateral attack in a subsequent case. *See McQuilken v. A & R Dev. Corp.*, 510 F. Supp. 797, 803 (E.D. Pa. 1981) (holding that the plaintiff in a prior case could intervene to "protect their legal interest in obtaining full compliance with the judgment" they won in prior litigation). In a similar vein, multiple courts have held that a party who played an instrumental role in achieving some policy measure has an interest in intervening to defend that result from subsequent collateral attack. *See*, *e.g.*, *Idaho Farm Bureau Fed'n v. Babbitt*, 58 F.3d 1392, 1397 (9th Cir. 1995) ("A public interest group is entitled as a matter of right to intervene in an action challenging the legality of a measure it has supported."); *Mausolf v. Babbit,* 85 F.3d 1295, 1296, 1302 (8th Cir. 1996) (granting intervention as of right to conservation groups that had consistently engaged in prior proceedings to defend challenged snowmobile restrictions at a national park).

This action directly challenges the judgment in *Johnson*—adopting the maps that are in place today—and it also seeks to overrule multiple holdings

from that litigation. The Johnson Petitioners spent significant time and energy litigating *Johnson*, and have an interest in defending the judgment and holdings they obtained in that case from collateral attack in this action.

C. Disposition of the Action May, as a Practical Matter, Impair or Impede Movants' Ability to Protect Their Interests.

Disposition of this action in favor of Petitioners will, as a practical matter, impede Movants' ability to protect their stated interests. As with the interest component, Wisconsin courts assess this factor by taking a "pragmatic approach" that "focus[es] on the facts of [the] case and the policies underlying the intervention statute." *Helgeland,* 2008 WI 9, ¶ 79. In addition, two particular factors are considered: (1) "the extent to which an adverse holding in the action would apply to the movant's particular circumstances" and (2) "the extent to which the action into which the movant seeks to intervene will result in a novel holding of law." *Id.* ¶¶ 80–81.

A holding for Petitioners will directly apply to Movants' circumstances by—at the very least—subjecting them to redrawn district maps. And, with respect to the Johnson Petitioners, it will take away the judgment they won just last year. Moreover, if this Court decides to reverse its own decision from last year and impose new maps under new standards, that result would certainly qualify has a novel holding of law. It would lead to a train of events

unprecedented in this State. Therefore, disposition of the action in favor of Petitioners would impede Movants' ability to protect their interests.

D. Existing Parties Do Not Adequately Represent Movants' Interests

The existing parties in this case do not adequately represent Movants' interests. While adequate representation is presumed when a "movant and an existing party have the same ultimate objective" or when "the putative representative is a governmental body or officer charged by law with representing the interests of the absentee," these presumptions are rebuttable. *Helgeland,* 2008 WI 9, ¶¶ 90–91.

Here, the presumptions are easily rebutted because Movants have a unique interest as voters that is not represented by any of the existing parties. WEC was not a successful plaintiff in the *Johnson* case. WEC is not a voter, and, as noted by this Court in its October 6th Order, it takes no position on the merits of this case. Order at 1. Similarly, the interests of the Legislature or the legislators themselves differ from Movants' interests because the Legislature is likewise not a voter, and both it and the individual senators have interests—protection of incumbents, political strategies—that differ from voters. The Legislature is not obligated to advocate for the arguments that Movants seek to make in this case. Finally, Petitioners, although voters, are obviously directly at odds with Movants' positions. Movants' interests are unique.

II. Alternatively, Movants Should Be Granted Permissive Intervention.

Alternatively, this Court should grant Movants' motion on a permissive basis. Permissive intervention may be granted if Movants satisfy three elements: (1) filing a timely motion; (2) asserting a claim or defense that has a question of law or fact in common with the main action; and (3) Movants' involvement will not "unduly delay or prejudice the adjudication of the rights of the original parties." *Helgeland,* 2008 WI 9, ¶120; Wis. Stat. § 803.09(2). Movants satisfy all three elements.

As explained above, Movants have acted promptly and complied with the deadline set by this Court for filing motions to intervene. Movants also assert defenses that have questions of law or fact in common with this action because they desire to defend *Johnson*, disagree with the arguments made and outcomes sought by Petitioners, and wish to avoid disenfranchisement by the issuance of a writ *quo warranto.* In addition, Movants' involvement will not "unduly delay or prejudice the adjudication of the rights of the original parties." Movants have complied with the deadline this Court set for filing motions to intervene, and commit to complying with all other relevant deadlines if this motion is granted.

Due to its underlying political nature, redistricting is always a contentious issue. Movants should be permitted to intervene in this action so

that their views on this important matter can be properly heard and considered.

CONCLUSION

This Court should grant Movants motion to intervene.

Dated: October 10, 2023.

Respectfully submitted,

WISCONSIN INSTITUTE FOR
LAW & LIBERTY, INC.

Electronically signed by Luke N. Berg

Richard M. Esenberg (WI Bar No. 1005622)
Luke N. Berg (WI Bar No. 1095644)
Nathalie E. Burmeister (WI Bar No. 1126820)
330 East Kilbourn Avenue, Suite 725
Milwaukee, WI 53202
Telephone: (414) 727-9455
Facsimile: (414) 727-6385
Rick@will-law.org
Luke@will-law.org
Nathalie@will-law.org

Attorneys for Billie Johnson, Chris Goebel, Ed Perkins, Eric O'Keefe, Joe Sanfelippo, Terry Moulton, Robert Jensen, Ron Zahn, Ruth Elmer, and Ruth Streck

CERTIFICATION

I hereby certify that this brief conforms to the rules contained in Wis. Stat. § 809.81 for a brief produced with a proportional serif font. The length of this brief is 4,191 words.

Dated: October 10, 2023.

Electronically Signed by Luke N. Berg
LUKE N. BERG