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03-01-2024
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SUPREME COURT



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Supreme Court of Wisconsin

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March 1, 2024

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*Distribution list continued on pages 2-4.

You are hereby notified that the Court has entered the following order:

No. 2021AP1450-OA Johnson v. Wisconsin Elections Commission

On January 16, 2024, intervenors-petitioners, Lisa Hunter et al., filed a motion and supporting memorandum asking for relief from the decision and order entered by this court on March 3, 2022. On January 29, 2024, a response to the motion was filed by intervenors-petitioners, Stephen Joseph Wright et al. ("Citizen Mathematicians and Scientists"). On January 30, 2024, separate responses to the motion were filed by petitioners, Billie Johnson et al.; intervenors-petitioners, Congressmen Glenn Grothman et al.; and intervenor-respondent, the Wisconsin Legislature. On February 1, 2024, intervenor-respondent, Senate Democratic Minority Leader Dianne Hesselbein, on behalf of the Senate Democratic Caucus, filed a letter with the court taking no position on the motion. On February 9, 2024, intervenors-petitioners, Lisa Hunter et al., filed a motion for leave to file a reply in support of their motion for relief from judgment with a proposed reply. On February 19, 2024, Governor Evers filed a letter advising the court that he had signed Senate Bill 488 into law, which has created 2023 Wisconsin Act 94, but which does not impact the motion for relief from judgment in this case. The Governor's letter also speaks in favor of this court reviewing its decision in this case with respect to the adoption of congressional district maps. The court having considered all of the filings,

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IT IS ORDERED that the motion for leave to file a reply in support of the motion for relief from judgment is granted, and the proposed reply is accepted for filing; and

IT IS FURTHER ORDERED that motion for relief from judgment is denied.

JANET C. PROTASIEWICZ, J., did not participate.

REBECCA GRASSL BRADLEY, J. (*concurring*). This motion comes as no surprise after the court's new majority telegraphed its willingness to rebalance political power in the state of Wisconsin by overturning Johnson v. Wisconsin Elections Commission, 2021 WI 87, 399 Wis. 2d 623, 967 N.W.2d 469 (Johnson I), and Johnson v. Wisconsin Elections Commission, 2022 WI 19, 401 Wis. 2d 198, 972 N.W.2d 559 (Johnson III). The new majority's reckless abandonment of settled legal precedent in Clarke v. Wisconsin Elections Commission, 2023 WI 79, 410 Wis. 2d 1, 998 N.W.2d 370, incentivizes litigants to bring politically divisive cases to this court regardless of their legal merit. While the court rightfully denies this motion, it likely won't be long until the new majority flexes its political power again to advance a partisan agenda despite the damage inflicted on the independence and integrity of the court.

I am authorized to state that Chief Justice ANNETTE KINGSLAND ZIEGLER joins this concurrence.

Samuel A. Christensen
Clerk of Supreme Court

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