

# EXHIBIT 4

# FRI REPORT: Vos previews Assembly's fall agenda, state prison population climbs after pandemic-driven decline

September 24, 2021



## Quotes of the Week

This legislation will continue our efforts to support businesses and families as they bounce back from the pandemic while ensuring our local governments have the aid they need to remain whole.

– Gov. Tony Evers on his proposal to repeal the personal property tax on businesses after vetoing a GOP-backed version in the budget.

For the first time since statehood, as a culmination of a decade of work, Republicans passed a repeal of the personal property tax in AB 191. Governor Evers vetoed it. Now LRB-4737 is being proposed as a political shield to obscure this history.

– Sen. Duey Stroebel, R-Saukville, saying Evers' proposal includes several "poison pills" that turn him off. See more in a Political Stock Report item below.

Fundamentally, this court has a duty to resolve redistricting disputes; doing so does not threaten the separation of powers nor does it risk a concentration of power in the judicial branch.

– Conservative Justice Rebecca Bradley in concurrence with the majority decision to allow the Supreme Court to draw new maps if necessary.

The majority's order charts no course whatsoever. It drops the court into the redistricting wilderness without even a compass. The order sets forth no plan for how seven Justices with no experience in drawing district maps should go about this Herculean task while

simultaneously attending to the rest of the court's docket.

– *Liberal Justice Rebecca Dallet dissenting on the Supreme Court decision to hear redistricting cases and potentially redraw districts themselves.*

I know you think I'm nuts. ... It was maybe not the smartest thing I've ever done, Scott.

But truth of the matter is I love water skiing and grew up doing it, and I've always intended to ski into my 80s. So, I figured if I was going to do that, I had to ski when I was 79.

– *UW System interim President Tommy Thompson telling the AP's Scott Bauer about his water skiing mishap. Thompson required surgery to reattach his bicep to a tendon.*

## Political Stock Report

-A collection of insider opinion-

(Sept. 18-24, 2021)

**Rising:** Dawn Crim, redistricting fight

**Mixed:** Personal property tax, gray wolves, Ryan Owens

**Falling:** UW enrollment

### ***Rising***

**Dawn Crim:** Senate Republicans for months seemed content to delay confirmation votes on some of Gov. Tony Evers' cabinet members, just letting them continue serving in their roles without a floor vote. But the 5-0 committee voting backing the DSPS secretary is a sign that's about to change. Crim, who was an original member of Evers' cabinet, faced two rounds of questions when it came to her nomination. First in 2019, she was asked about a more than decade-old child abuse charge for poking her son's hand with a pen, causing it to bleed. Then in March — during the second public hearing on her nomination — Crim was peppered with questions about how she was handling the building oversight process. Still, she also had a number of important groups who registered in favor of her nomination, including representatives of the Wisconsin Realtors Association, Wisconsin Hospital Association and Wisconsin Medical Society. After her nomination had sat dormant for months, the Senate Insurance, Licensing and Forestry Committee votes unanimously via paper ballot to sign off on the nomination, clearing the way for it to hit the Senate floor. In the process, Crim joined Craig Thompson at Transportation, Randy Romanski at DATCP and Missy Hughes at WEDC in passing out of committee unanimously this session. Now, all four are lined up for votes on the Senate floor Tuesday. As the confirmation process dragged on, some insiders believed Senate Republicans would just run out the clock on various cabinet appointments rather than risk irritating a handful of members who had issues with the gov's picks. But insiders say some GOP members have grown uncomfortable with that and believe it's time for the Senate to do its job and put them on the floor for members to either vote them up or down. There are also some who worried about the precedent that would be set if Republicans failed to bring them up for floor votes, emboldening a Dem Senate someday to refuse votes for a GOP gov's cabinet picks. In moving forward with the picks, some speculate Senate GOP leadership may end up moving away from the unwritten "rule of 17" for the caucus. For years, it's been viewed as a near requirement that any issue that hit the

Senate floor had to have buy-in from 17 GOP members so it could pass regardless of Dem support. There have been occasional exceptions to that standard, and some in leadership have downplayed that it was ever a hard, fast rule. Still, it also was a way to avoid having some members chewing leadership's ear about going to the floor on an issue they opposed, something that was viewed as more important to the most conservative members of the caucus than some others. That standard is also a little harder to reach these days with Sen. Andre Jacque, R-DePere, out of the hospital but in a long-term care facility after his bout with COVID-19, and Sen. Dale Kooyenga, R-Brookfield, on military assignment through early October. Their absence knocks the GOP majority down to 19-12, leaving less room for dissension if leaders are going to stick to the rule of 17. Insiders note there will likely be some blowback in conservative circles over the move. But insiders say the reality is the four secretaries now poised for floor votes have been willing to work with members and been responsive to the issues their constituents raise back home. It made no sense to hold them up any longer. While there's movement on those four, insiders say Workforce Development Secretary Amy Pechacek, Health Services Secretary Karen Timberlake or Tourism Secretary Ann Sayers appear unlikely to get floor votes anytime soon. All three replaced the original Evers pick to run those agencies, and Republicans, for example, still aren't happy with the backlog of unemployment cases at DWD. What's more, the gov's two picks for the Natural Resources Board remain bottled up in Senate Org as Republicans and various groups that support them want to make sure Walker appointee Fredrick Prehn, whose refusal to leave his post until his successor is confirmed, keeps Evers' appointments in the minority on the body.

See the Senate's [Tuesday calendar](#).

**Redistricting fight:** Given the flurry of maneuvers, a flow chart might help track the battle over Wisconsin's new maps. One day after a federal three-judge panel put in motion a January trial to draw new lines if the GOP-controlled Legislature and Dem Gov. Tony Evers can't reach a deal, the state Supreme Court agreed to take original action in a separate case making a similar request. Meanwhile, GOP lawmakers are poised to vote on a resolution that would declare it's state policy to keep the new maps as similar to the current lines as possible. The GOP voters who asked the Wisconsin Supreme Court to hear their suit have asked the federal court to stay its activities until after the whole thing has played out in the state Capitol. And GOP lawmakers have now gone to the U.S. Supreme Court seeking to have the federal case dismissed, period. Even if the U.S. Supreme Court declines to dismiss the suit, legal observers say, it's likely the federal court would at least hit the pause button to give the state Legislature and state Supreme Court some room to operate before moving forward. Republicans have long believed they'd get a better shake from the conservative majority on the state Supreme Court than a federal panel in drawing the lines. But until this week, they weren't sure the justices would agree to take the case directly. Conservative Brian Hagedorn has sided with his liberal colleagues in multiple cases in preferring lawsuits to go through the lower courts first. That process, legal observers note, allows the lower courts to develop the record so the justices can focus on the big legal issues rather than fact finding. But Hagedorn joins his three conservative colleagues in agreeing to hear the case directly. The 4-3 majority doesn't disclose its rationale beyond noting it's long held the court has the power to take redistricting cases directly. But conservative Justice Rebecca Bradley writes a concurring opinion in which she says the decision sends a message to the federal courts that the justices are prepared to act. With a

new motion to stay before the panel, the federal court asks the parties to submit arguments by early next month on how it should proceed. Legal observers say it is unlikely that the federal panel and state Supreme Court would move forward on separate tracks and produce competing maps. And today's filing with the U.S. Supreme Court could put an end to that slim possibility. The filing argues the panel's decision to move toward a January trial on new maps even before the state Supreme Court had decided whether to take the redistricting suit before it was "an affront to Wisconsin's sovereignty." The filing argues the three-judge panel moving forward with a possible trial would amount to the court supervising Wisconsin's "reapportionment efforts from beginning to end. It adds the three-judge panel lacks jurisdiction and urges the U.S. Supreme Court to put an end to the case to avoid putting a burden on lawmakers of participating in the discovery process while trying to draw maps. The various legal fronts add to the drama of when a map might be completed. The state Elections Commission has argued in court that it needs new maps in place by March 1 so it has time to implement the new lines before nomination papers can be circulated April 15. It's hard to have candidates collect signatures when they don't know which district they're running in or which voters are eligible to sign their papers. GOP lawmakers have disputed that timeline, noting new maps have been created by the courts much later in other election years without major problems. The state justices want to hear more about what a hard deadline might be before moving forward with the case. Some suggest the longer lawmakers delay in approving a map, the more likely it is a court would pick from versions submitted by various parties in the case than to try drawing one of its own. That's also where some believe a joint resolution before the Legislature laying out state policy on redistricting principles comes into play. The resolution backs a policy to "retain as much as possible the core of existing districts." Dems balk at that prospect. They point out the current maps are already quite favorable to Republicans; even as Joe Biden narrowly won statewide in November, he won in just 37 Assembly districts and 11 Senate districts. Republicans would love nothing more than to tweak those lines as little as possible for population growth, and their resolution might just end up as part of a court filing urging the state justices to take that approach, some say. Legal observers note even if the map drawing is left to the Wisconsin justices, that doesn't mean the federal courts would be shut out of the process. Critics of any map that could emerge from the state Supreme Court would still have the option to challenge it in federal court on various grounds. But legal observers point out there's a big difference from drawing your own map vs. reviewing one someone else put together. For all the Dem outrage over the map Republicans drew in 2011, a federal court only made a minor change to the line between two Assembly seats ahead of the 2012 election.

See the Legislature's [filing](#) with the U.S. Supreme Court.

### **Mixed**

**Personal property tax:** Insiders say the repeal of the tax on business property may have to wait until next session. After vetoing a bill to repeal the personal property tax this summer, Gov. Tony Evers throws his weight behind a new Dem bill to accomplish the task. But insiders note two issues with the bill. One, Republicans aren't thrilled with some of the provisions. Two, GOP leaders aren't interested in giving Evers the opportunity to get another win before his 2022 reelection bid. When Republicans sent Evers a budget full of tax cuts, he caught some of them off guard by signing \$2 billion in income tax reductions

while nixing a plan to use \$705 million in general purpose revenue to update income tax withholding tables. He also vetoed AB 191, a GOP bill to repeal the property tax that businesses pay on equipment. But he didn't touch the more than \$200 million that Republicans put into the budget to pay for the property tax repeal. At the time, Evers said it wasn't a "clean" bill and some municipalities had questions about how it might impact taxes on companies with out-of-state manufacturing, railroads and utilities. The Dem bill — co-authored by freshman Sen. Brad Pfaff, who's considering a congressional bid, and Rep. Robyn Vining, who was a top GOP target in 2020 — addresses those concerns to Evers' liking. It also revises how the state would compensate local governments for lost property tax revenue. Under the GOP version, state payments to municipalities to backfill the lost property tax revenue would've started in 2022. From 2023 forward, the payment to locals would've been flat. The Dem bill would kick in one year later. After backfilling the lost revenue in 2023, the payments from 2024 forward would be increased annually by the change in the consumer price index. Increasing those payments to local governments is irking some GOP lawmakers. They also are irritated that the legislation includes some funding to cover administrative costs, which turns it into an appropriation bill and would open the door to Evers using his partial veto authority if it ever landed on his desk. Republicans separated the funding to reimburse locals for the repeal from the language nixing the tax for that very reason; they didn't want to give Evers the opportunity to make changes to the bill or the tax laws it touches. The state is sitting on a ton of cash — a projected \$1.7 billion gross balance at the end of the 2021-23 budget — and Republicans would normally be hyped to pass more tax cuts, particularly heading into an election year with that kind of money at their disposal. There was even some talk after Evers signed the budget of doing additional tax cuts to try to force a veto. But insiders note that talk has largely died down — especially with Evers making the \$2 billion in tax cuts from the current budget a talking point in his reelection bid. Republicans now seem content to see if they get an ally in the gov's office come 2023; if not, they can find ways to work on their longstanding priority again with Evers if he wins another term.

**Gray wolves:** A second lawsuit now seeks to shut down the fall hunt. And even if state tribes aren't successful in stopping the hunt, they have the ability to dial back how many wolves can be harvested by claiming half of the quota imposed by the Natural Resources Board. The suit from six Ojibwe tribes comes three weeks after a coalition of wildlife advocacy groups sued to stop this fall's hunt and overturn state law mandating annual hunts. The Chippewas argue in their suit that the hunt undermines their treaty rights and endangers the state's wolf population. Part of their issue is the board approved a quota of 300 wolves this fall, more than twice what staff had recommended. To critics, the board inflated the quota knowing the tribes would claim half of the quota, as is their right, and then decline to cull the animals, which they consider to be sacred. The issue is particularly sensitive after a rare February hunt this year in which 218 wolves were killed, well above the 119 that had been reserved for the state and 81 for the tribes. Meanwhile, livestock producers and some hunting groups have continued to argue the state's wolf population is too high and having a detrimental effect in northern Wisconsin. While the fate of the Wisconsin hunt plays out in both state and federal court, there's a federal lawsuit in California seeking to restore endangered species protections to the wolf. The state's Ojibwe tribes are supporting that action and were among the 200 tribes that signed on to a letter earlier this month urging U.S. Interior Secretary Deb Haaland to restore endangered species protections as well.

**Ryan Owens:** When you're running on your purity to the cause — and attacking your primary opponent for being insufficiently conservative — any cracks in that facade can be problematic. Insiders, though, aren't sure Fond du Lac DA Eric Toney will have the money needed to go after Owens for any inconsistencies in his rhetoric. Owens, a UW-Madison professor with no prosecutorial experience, has touted himself as the true conservative in the race for the GOP nomination to take on Dem AG Josh Kaul next year. And he hasn't been shy in knocking Toney for filing — and later dropping — charges for violations of Gov. Tony Evers' stay-at-home order in the early stages of the COVID-19 pandemic. But now comments have popped up from Owens seeming sympathetic to Evers' actions during the pandemic, and they're making their way through conservative media. In one podcast, he criticized those "on the right" who called the governor a "tyrant" while taking a shot at liberals as well. In another podcast, he said Evers "was ahead of the game when it came to the 'safer at home' order." Owens goes on conservative talk radio to say he misspoke in the latter case and meant to refer to the emergency order Evers issued that opened the door to resources that could be used to fight the pandemic in the early stages. In the other, he argued his point was simply to avoid inflammatory language that can turn off people before they can be persuaded of the conservative point of view on an issue. When you're explaining in politics, you're losing, insiders note. But they also point out Owens continues to be a favorite of some heavy hitters in GOP circles, and those folks helped fuel him to a more than 7-to-1 fundraising advantage over Toney during the first reporting period of 2021. Even if there are some questions about Owens' bonafides, can Toney pull together the resources to make some noise about it? Insiders note Owens' other worry has to be what else might be out there. He's got numerous talks and articles under his belt due to his career in academia. If there's more fodder out there for conservative critics, that would be a worry. Toney has his own explaining to do when it comes to staying true to conservative principles with the charges he filed against those who had violated the stay-at-home order. Toney has defended the decision, noting they were spurred by complaints and he dropped the cases after investigating further. But anything COVID-19 related is radioactive with the GOP base right now and is going to cause him issues, insiders say.

### ***Falling***

**UW enrollment:** University of Wisconsin students are back in the classroom. There just aren't as many of them. The system announces this week preliminary numbers showing fall enrollment dropped 1 percent to 163,708, with 10 schools seeing declines. The overall drop continues a downward trend over the past seven years. Interim President Tommy Thompson said part of the most recent drop was due to COVID-19 with students complaining about online learning in the 2020-21 school year as the system navigated the pandemic. There was a dropoff in second- and third-year students coming back "because they felt they didn't get the kind of college education they had anticipated," he says. The impact on enrollment varies widely by campus with Madison (6 percent), Green Bay (3 percent) and Superior (2 percent) seeing increases. The other 10 campuses saw drops, ranging from 1 percent at Oshkosh and Stevens Point to 11 percent at Platteville. Even before the pandemic, the system had started to see enrollment numbers taper off. There were 180,979 students in fall 2014 before numbers started to drop. Part of that is a matter of demographics. There were more than 70,00 high school graduates in the 2008-09 school year, but that dropped to 64,995 for 2019-20, the last year for which DPI has certified numbers. High school grads are also more likely to take a job than head to higher education in an economy that has



plenty of opportunities. And the system isn't alone in seeing its numbers drop. The Wisconsin Technical College System had 383,671 students in 2010-11, but that was down to 248,531 in 2020-21. The 2020-21 enrollment figure was down 13.2 percent from the year before. The tech college system faces the same demographics issue as the university. What's more, many tech college students are juggling work, family and school. When you're working a job and have school-age kids at home, keeping up with tech school classes becomes a little less convenient. Regardless of the forces at play, fewer kids means fewer tuition dollars, eroding the bottom line. But the UW System is pointing to some positives. If students not being in the classroom last year factored into this year's enrollment numbers, that shouldn't be an issue for the 2022-23 school year. UW announced that 85 percent of undergraduate classes are in person. That exceeded the goal of 75 percent Thompson had previously set and matches pre-pandemic levels. What's more, freshman and new transfer registrations increased by 4 percent at eight of the 13 campuses even as overall enrollment dropped, a sign things could pick up in the coming years.

## Vos not committing to new maps as part of fall agenda



Speaker Robin Vos isn't committing to passing new legislative district maps as part of the Assembly's fall floor period.

He's also not ruling out trying to go around Tony Evers and putting new district lines in place through a resolution that wouldn't require the gov's signature.

In a new interview with WisPolitics.com, the Rochester Republican said lawmakers haven't gotten into any discussions about trying to draw lines through a resolution, something the state Supreme Court ruled in 1964 wasn't permissible under the Wisconsin Constitution. He also called it "more of an esoteric argument."

Vos said his focus is on passing a map that Evers could sign and is asking the gov to keep open the possibility of approving new maps drawn by the Legislature without dismissing them out of hand.

"I guess everything is a possibility, right?" Vos said in the interview. "We are trying to go through our process, and my pre-eminent goal is to try to get a bill that the governor can sign, you know? If he's going to say that he'll veto any map that we pass, well, you never know, right? We kind of have to take a look at what all of our options are. But that is not our first goal."

The Assembly and Senate kick off their fall agendas on Tuesday, the first time they've been in regular session since approving the budget in June. The Assembly calendar includes



several bills that touch on education, from legislation that GOP backers say would prohibit the teaching of critical race theory in K-12 schools to incorporating cursive into state language arts standards, and requiring districts to disclose more information on their finances and curriculum.

New maps, however, will come later with Vos saying he didn't want to put an artificial timeline on when they need to be done.

Three redistricting suits have been filed in state and federal courts, and the Elections Commission has indicated it needs new lines by March 1 to have them implemented before candidates begin circulating nomination papers April 15. In court, GOP lawmakers have disputed that deadline.

A federal court this week put in motion a January trial unless Capitol leaders had completed maps by then. But that is now up in the air after the state Supreme Court agreed to take original action in a lawsuit GOP voters filed. Those voters have asked the three-judge federal panel to put that case on hold while the state process plays out.

"I would love to be able to get something enacted within the next couple of months, but we'll have to see what the final outcome is," Vos said.

Approving maps through a resolution would likely lead to a legal fight that would require the Wisconsin Supreme Court to overturn 57 years of precedence. Conservative Justice Rebecca Bradley wrote in a concurring opinion this week that the Supreme Court "created a constitutional conundrum" with that ruling considering Wisconsin's history of divided government. Some took that as a sign she would be open to overturning that precedent. Still, that would take four votes, and legal observers noted the other three conservatives on the court didn't sign onto Bradley's concurring opinion to the 4-3 decision to take the case.

While the conservative majority didn't dive into its reasoning for accepting the case, it noted the court has long "deemed redistricting challenges a proper subject for the court's exercise." The majority opinion also referenced that 1964 state Supreme Court ruling as it noted redistricting plans "must be approved by a majority of both the Senate and Assembly, and are subject to gubernatorial veto." The majority opinion added, the Legislature "must present redistricting legislation to the governor for approval or veto under the Wisconsin Constitution's Presentment Clause; both the governor and the legislature are indispensable parts of the legislative process)."

That suggests to some legal observers that GOP lawmakers would struggle to find a receptive audience with the Supreme Court in trying to do maps via resolution. First both houses would have to agree to even attempt such a move.

Vos, who was interviewed before the state Supreme Court agreed to take the redistricting suit, maintained his focus is on passing maps without ending up in a legal fight.

"The goal is to maximize the opportunity for us to do the best job by drawing a map that the governor will hopefully eventually sign," he said.

## **Elections bills, workforce housing, abortion measures among fall agenda items**

The floor period that kicks off Tuesday runs the full month of October and the first two weeks of November. Vos said it was likely the Assembly will be in the last week of October and one week in November before breaking until January.

The agenda includes:

\*Another round of election bills: Vos is awaiting the Legislative Audit Bureau's review of the 2020 election as well as the effort being led by former Supreme Court Justice Michael Gableman.

Vos said the next round of legislation could bring back some of the ideas that Evers has already vetoed or were in other bills that made the rounds earlier this session. That includes things like addressing ballot harvesting and private funds being used to pay for the cost of an election. The speaker added he'd also like to look at things like ensuring voters on registration rolls have lived in a district for 28 days before casting a vote there. He said any election bills would likely come up during the November floor period.

\*Workforce housing: Vos mentioned legislation from Rep. Rob Summerfield, R-Bloomer, as one item that he'd like to see on the floor this fall. AB 156 would allow up to \$42 million in tax credits annually for affordable housing. The bill would define a qualified housing development as a residential rental property where at least 25 percent of the units are occupied by those making between 61 percent and 100 percent of the area median income. Rents for such units would be capped at 30 percent of the area's median income. At least half of the credits would have to go to communities with fewer than 150,000 residents; Madison and Milwaukee are the only cities with populations above that number. To qualify, projects would have to meet other criteria as the tax credit would be necessary for the financial feasibility of the development.

\*Second half of the Speaker's Task Force on Racial Disparity: The task force included two subcommittees. The one on Law Enforcement Policies and Standards released its report earlier this year, and some of the proposals were worked into 5 bills that Evers signed. The second component is the Education and Economic Development subcommittee, led by Rep. Robert Wittke, R-Racine. His office said the lawmaker hopes to release a report in the coming weeks.

\*Abortion: Vos said he expects the caucus to look at additional anti-abortion measures. But he said a Texas-style abortion ban, which included prohibiting the procedure after six weeks, looked unlikely. Evers in 2019 vetoed several abortion bills, including one that sought to require health care professionals to provide care to a baby that survived an attempted abortion. Vos said that bill, which is on Tuesday's Senate calendar, could be brought back this fall.

"I think they're important to show the public and also you know for the folks who care about those issue that we are pro-life and proud of it," Vos said.

Listen to the interview [here](#).

See Tuesday's calendar [here](#).

## Prison population climbs past 20K following pandemic-driven decline

The inmate population at state adult prisons breached the 20,000 threshold for the first time since January this year, according to Department of Corrections [data](#).

Those familiar with the matter say that number is growing because courts are speeding up their processing of criminal cases closer to pre-pandemic speeds, DOC's intake limitations have been lifted and further legislation is needed to address the state's criminal justice system.

The inmate population is still lower than pre-pandemic levels. [Jan. 8](#) was the last time DOC reported the population was over 20,000 this year. At the start of 2020, the adult inmate count was 23,392, according to DOC numbers. The population dipped to 22,892 in April 2020 as the pandemic took hold earlier in March.

The lowest population DOC reported since the pandemic was 19,347 on [May 14](#) this year.

DOC spokesman John Beard told WisPolitics.com this year's increase is likely caused by the department lifting restrictions on the number of inmates transferred from county jails, among other things.

Beard also said the department is doing its best to enroll inmates in revocation and early release programs, but DOC does not control which inmates are eligible to leave the facilities.

He added the previous drop in the prison population was largely caused by pandemic-related restrictions on inmate intakes and transfers.

"After months of limiting intakes when COVID-19 cases were high in DOC institutions, DOC has been working with our partners at the county level throughout this year and has gradually returned to standard, pre-pandemic intake numbers," he said in an email.

DOC numbers show 11 active positive COVID-19 cases in their facilities statewide. The department-wide fully vaccinated rate is 72.9 percent, and over 83 percent of inmates are at least partially vaccinated.

Beard added DOC has worked with county officials to clear a backlog of inmate transfers from county jails to state facilities and the department "has gradually returned to standard,

pre-pandemic intake numbers.”

While Gov. Evers’ moratorium on new inmates ended June 1 last year, Beard said DOC still limited intake numbers based on COVID-19 infection severity throughout the pandemic.

UW Law School Clinical Professor Emeritus Kenneth Streit told WisPolitics.com the main reason for the increase is DOC again starting to receive inmates from county jails.

Streit added many of the new inmates adding to the population are coming from county jails, where they were held while DOC had intake limitations. But once those limitations were lifted, Streit said they were easy to transfer to state prisons because a substantial number of them involved medium-severity cases resolved through plea agreements earlier in the year.

Streit also said the uptick in violent crime during the pandemic likely also plays a role in the population increase because sentencing of those crimes often results in prison time for offenders. And while less serious crimes have been down, Streit said that would not affect the prison population because those crimes generally don’t result in prison sentences.

A June Legislative Fiscal Bureau memo pointed out a backlog of over 8,000 open criminal cases in Dane County. More than 3,000 suspects were awaiting official criminal charges in Milwaukee County at the time of the report’s release.

An LFB analyst told WisPolitics.com the number of pending felony cases on June 30, 2021 increased by 8,876 compared to the same date last year.

Rep. Evan Goyke, D-Milwaukee, told WisPolitics the third major factor driving the rising population numbers is the Legislature, which he said hasn’t advanced reforms needed to reverse the trend.

The Speaker’s Task Force on Racial Disparities and the Senate Committee on Judiciary and Public Safety generated a series of bills signed into law by Evers earlier this year that aim to address policing and the criminal justice system.

“I’m afraid that the growth trend that you’re watching is going to be a slow creep back to where we were,” Goyke said, referring to pre-pandemic numbers.

The peak population for at least the last two decades was in June 2019, with 23,559 adult inmates, according to a Wisconsin Policy Forum budget briefing. See more on [page 15 of the document](#).

Goyke also said he has been working to push his fellow legislators to pass reform measures similar to other states, using Louisiana as an example, to bring reincarceration numbers down. Goyke said reincarcerated individuals greatly contribute to the overall population number and he wants to change that.

Chair of the Senate Judiciary and Public Safety Committee Sen. Van Wanggaard, R-Racine, was not available for comment today, and Assembly Corrections Committee Chair Rep.

Michael Schraa, R-Oshkosh, did not immediately respond to a request today for comment.

Scott Kelly, spokesman for Wanggaard, told WisPolitics.com that Wanggaard and Sens. Lena Taylor and Alberta Darling drafted a series of bills signed into law aiming to reform at least part of the criminal justice system. But Kelly added police reform bills would not decrease the number of criminals.

Kelly also said another series of bills from the senators that did not clear both chambers before the last floor period finished are destined for Senate committee hearings later this year. See WisPolitics.com coverage [here](#).

See coverage of Evers signing a bill to limit police use of force, the fifth bill in the series he passed into law, [here](#).

While Goyke and others work to bring legislation forward, DOC has been working to safely reduce prison populations by expanding Earned Release Program eligibility and changing community-based treatment policy.

Beard says those changes will help safely reduce the number of reincarcerated people, which contributes to reduced prison populations.

Beard said although DOC is working to address the issue, it cannot do so alone.

"While the Wisconsin DOC will keep exploring administrative changes, we need the Legislature to work with us to truly reform our justice system," he said.

The population increase comes as DOC struggles with high vacancy rates at some facilities. See an item from last week's REPORT on the issue [here](#).

See DOC inmate population numbers [here](#).

## **Testin joins GOP field for Lt. Gov; Racine Ald. emerges as possible Dem candidate**

State Sen. Pat Testin today filed to run for lieutenant governor in 2022, joining a growing GOP field.

Testin, first elected to his Senate seat in 2016, has a "special announcement" planned Sunday, when he will emcee the Portage County Republican Party's Fall Rally.

Testin joins a GOP field that includes: Ben Voelkel, a former aide to U.S. Sen. Ron Johnson who formally announced his bid yesterday; Lancaster Mayor David Varnam; and David King,

who's run for a series of offices over the past decade.

Other Republicans considering bids include: Matt Cordio, an entrepreneur; state Sen. Rob Stafsholt, of New Richmond; and Cindy Werner, who ran unsuccessfully for the 4th CD in 2020.

So far, no Dems have filed to run for the office with incumbent Mandela Barnes leaving to run for U.S. Senate. WisPolitics.com reported earlier this month that state Reps. David Bowen, of Milwaukee, and Sara Rodriguez, of Brookfield, were considering bids. Other potential Dem candidates include Kriss Marion, who's run for Assembly and Senate seats in southwestern Wisconsin over the last two cycles, and Wausau Mayor Katie Rosenberg.

Dem sources indicated that two other possible candidates have emerged. That includes Racine Ald. John Tate II, who ran unsuccessfully for the state Assembly in a 2018 special election. Gov. Tony Evers in 2019 appointed Tate to lead the state Parole Commission.

The other is Emily Siegrist. The Brown Deer Village trustee and nurse ran unsuccessfully for state Assembly last fall.

## Political TV

(Check local listings for times in your area)

"UpFront" is a statewide commercial TV news magazine show airing Sundays around the state. This week's show, hosted by ADRIENNE PEDERSEN, features Republican Rep. SCOTT ALLEN and Democratic Rep. LAKESHIA MYERS on the bill Allen is co-sponsoring that deals with teaching concepts related to critical race theory. The show also features DARREN RAUSCH, health officer and director of the city of Greenfield Public Health Department, on rising COVID-19 cases, along with an interview with an Afghan refugee living at Fort McCoy.

\*See more about the program [here](#).

\*Also see a recap of the show online each Monday at WisPolitics.com

"Rewind," a weekly show from WisconsinEye and WisPolitics.com, airs at 8 p.m. on Fridays and 10 a.m. on Sundays in addition to being available online. On this week's episode, WisPolitics.com's JR ROSS and CBS 58's EMILEE FANNON discuss redistricting lawsuits, former Justice MICHAEL GABLEMAN's 2020 election probe, State Superintendent JILL UNDERLY's "State of Education" address, back-to-school legislation and the latest on COVID-19.

\*Watch the show [here](#).

Check out WisPolitics.com's Midday, which offers insights into the state's top political news.

\*Listen to the podcasts [here](#).

"The Insiders" is a weekly WisOpinion.com web show featuring former Democratic Senate Majority Leader CHUCK CHVALA and former Republican Assembly Speaker SCOTT JENSEN. This week, the two debate the GOP political strategy on COVID-19 and how voters may react next year.

\*Watch the video or listen to the show [here](#).

"In Focus: Wisconsin" airs Sundays at 9:30 a.m. on Spectrum News 1 on channel 1. In recognition of Hispanic Heritage Month, this week's episode features conversations with Milwaukee Ald JOCASTA ZAMARRIPA, WHEDA CEO and Executive Director JOAQUIN ALTORO, and Wisconsin Latino Chamber of Commerce Associate Director of ALLISON AGUILAR BULTMAN on the influence, impact and importance of Wisconsin's Hispanic and Latino communities.

PBS Wisconsin's "Here and Now" airs at 7:30 p.m. Fridays. This week's program features a look at an intensive care unit this week as COVID-19 cases continue to rise, a segment on "fair maps" and complications with current state efforts to redraw redistricting lines, and an interview with Elections Research Center Director BARRY BURDEN about former Justice MICHAEL GABELMAN's Youtube statement on his 2020 election investigation.

"Capital City Sunday" airs at 9 a.m. Sunday on WKOW-TV in Madison, WAOW-TV in Wausau, WXOW-TV in La Crosse and WQOW-TV in Eau Claire. This week's episode features Aspirus Wausau Hospital & Central Region President JEFF WICKLANDER, Marquette Law School Poll Director CHARLES FRANKLIN and Wisconsin State Journal higher education reporter KELLY MEYERHOFER.

## Week Ahead

**Tuesday:** Senate floor session. See the agenda [here](#).

– 11 a.m.: Senate Chamber, state Capitol.

**Tuesday:** Assembly floor session. See the agenda [here](#).

– 1 p.m.: Assembly Chamber, state Capitol.

**Wednesday:** [WisPolitics.com D.C. Breakfast](#) with U.S. Rep. Mark Pocan, polling and political advertising expert Ken Goldstein and Milwaukee Common Council president Cavalier Johnson.

– 9 a.m.: AT&T Forum, Washington, D.C.

**Wednesday:** MMAC's 31st annual [Milwaukee Night in Washington, D.C.](#)

– 7 p.m.: Union Station, Washington, D.C.

**Thursday:** The Assembly Committee on Substance Abuse and Prevention holds a [public hearing](#) on a bill to raise to 21 the age to possess or purchase tobacco and nicotine products.

– 10 a.m: 300 Northeast, state Capitol.

## Names in the News

Upcoming events from WisPolitics.com and partners include:

*\*A Wednesday DC breakfast event in cooperation with MMAC's "Milwaukee Night in DC" with U.S. Rep. MARK POCAN, D-Town of Vermont, and polling and political advertising expert KEN GOLDSTEIN plus a welcome from Milwaukee Common Council President CAVALIER JOHNSON. Event sponsors: Michael Best/Michael Best Strategies, WPS Health*



Solutions, Exact Sciences and Xcel Energy. See details and register [here](#). Register for the MMAC event [here](#).

\*A Thursday public lecture at UW–Madison’s law school by BI-KHIM HSIAO, Taiwan representative to the United States. Event sponsors: WisPolitics.com-WisBusiness.com trade policy event series, East Asian Legal Studies Center, Center for East Asian Studies, Robert M. La Follette School of Public Affairs, Tommy G. Thompson Center on Public Leadership, and the Student Association of Taiwan. See more [here](#).

\*An Oct. 7 virtual breakfast briefing about how ranked-choice voting could change elections in Wisconsin featuring: LEE DRUTMAN, senior fellow in the political reform program at New America; AMY FRIED, political science professor at the University of Maine; ANDREA BENJAMIN, African American studies associate professor at the University of Oklahoma; DAVID FARRELL, politics professor at the University College Dublin; and MICHAEL WAGNER, journalism and communication professor at UW–Madison. Event sponsors: WisPolitics.com, UW–Madison Tommy G. Thompson Center on Public Leadership, UW–Madison Elections Research Center, UW–Madison School of Political Science, UW–Madison Robert M. La Follette School of Public Affairs and the Jean Monnet European Union Center of Excellence. Register [here](#).

\*An Oct. 13 virtual discussion about lessons from the ongoing pandemic with top healthcare leaders in Wisconsin. Discussion panel includes: JOHN RAYMOND, president and CEO of the Medical College of Wisconsin; SUSAN TURNEY, CEO of the Marshfield Clinic Health System; CHRIS WOLESKE, president and CEO of Bellin Health; and RYAN WESTERGAARD, chief medical officer and state epidemiologist for the Department of Health Services (invited). Event sponsors: Husch Blackwell, American Family Insurance, Xcel Energy, Walmart, AARP Wisconsin and the Wisconsin Hospital Association. Register [here](#).

\*An Oct. 21 Annual WisPolitics.com Polling Summit about the 2022 election cycle featuring a moderated discussion with Democratic Party Chair BEN WIKLER and new state GOP Chair PAUL FARROW. Top pollsters will discuss efforts to do more accurate polling, top issues emerging for 2022 and other polling trends. The pollster panel includes: CHARLES FRANKLIN, director of the Marquette University Law School poll in Milwaukee; PAUL MASLIN, a Democratic pollster with FM3 Research; SARA STEPHENSON, vice president of American Strategies; and SUSAN WEBB YACKEE, a UW–Madison professor of Political Science and Policy and director of the La Follette School of Public Affairs. Register [here](#).

Yosemite National Park Ranger SHELTON JOHNSON will join UW–Madison Nelson Institute Community Partnership Liaison JAMES EDWARD MILLS for an Oct. 14 conversation about diversity, equity and inclusion in national parks. Register [here](#).

The Greater Madison Chamber of Commerce 68th annual dinner Oct. 20 features RON FRIEDMAN, an award-winning social psychologist who specializes in human motivation. He has served on the faculty of the University of Rochester, Nazareth College and Hobart and William Smith Colleges. Register [here](#).

A Wisconsin Academy of Sciences, Arts & Letters Local Government Summit Oct. 27 features UW–Madison Nelson Institute Center for Climatic Research Senior Scientist STEVE

VAVRUS, Elevate Energy Chief Strategy Officer ABIGAIL CORSO and Dane County Office of Energy & Climate Change Director KATHY KUNTZ. Register [here](#).

The 1848 Project **announced** former state Assembly candidates BONNIE LEE and JENNIFER MEINHARDT will be the conservative policy advocacy group's new executive directors. Lee lost her GOP-backed 2020 challenge against incumbent Rep. ROBYN VINING, D-Wauwatosa, and Meinhardt lost her Republican primary to Rep. WILLIAM PENTERMAN, R-Columbus, in a 2021 special election.

Gov. TONY EVERS **appointed** CLARK COLLINS, JACQUELINE EDWARDS, ERIC ELLIOT, JEAN FISCHER, EMELLE HOLMES-DRAMMEH, JENNIFER JARRETT, CYNTHIA MARTIN, ROBERT SANDERS and TARA STREIT to the New Physician Assistant Affiliated Credentialing Board, which handles credentialing of physician assistants.

The Office of the Secretary of Defense **announced** MELANIE FONDER KAYE as the new deputy assistant to the secretary for strategic engagement. She founded the strategic communications firm MFK Strategies, served as then-Second Lady JILL BIDEN's director of communications and worked as an aide to former Dem Gov. JIM DOYLE.

**Endorsements:** The following is a list of recent endorsements, based on emails received by WisPolitics.com:

Governor

JONATHAN WICHMANN: former National Security Advisor MICHAEL FLYNN

Attorney General

JOSH KAUL: Wisconsin Laborers' District Council

RYAN OWENS: Assembly Majority Leader JIM STEINEKE, R-Kaukauna, and Sen. DUEY STROEBEL, R-Saukville

## Lobbyist Watch

Twenty-six changes were made to the lobbying registry in the past 10 days.

Follow this [link](#) for the complete list.

For questions or assistance, please contact: Colin Schmies at [schmies@wispolitics.com](mailto:schmies@wispolitics.com) or 608-206-0476