



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

---

Josh Kaul  
Attorney General

17 W. Main Street  
P.O. Box 7857  
Madison, WI 53707-7857  
www.doj.state.wi.us

Steven C. Kilpatrick  
Assistant Attorney General  
kilpatricksc@doj.state.wi.us  
608/266-1792  
FAX 608/294-2907

October 13, 2021

**Via Email and Hand Delivery**

Ms. Sheila T. Reiff  
Clerk of Supreme Court  
110 East Main Street, Suite 215  
Madison, WI 53701-1688

Re: *Johnson v. Wisconsin Elections Commission*,  
Case No. 2021AP1450-OA

Dear Ms. Reiff:

We write on behalf of Respondents, Wisconsin Elections Commission (the “Commission”) and all six commissioners in their official capacities, to respond to two issues raised in the letter briefs addressing timing of the new redistricting plan filed by the parties and others on October 6, 2021.

First, Petitioners contend that the new maps must be in place by the date candidates may begin circulating nomination papers—April 15, 2022. They argue that the Commission does not need any preparation time before that date because “[a]ny work [the Commission] needs to do to review nomination papers for ballot access could be done during [the circulation period], and does not need be completed prior to the circulation of those nomination forms on April 15, 2022.” (Pet’rs’ Ltr. Br. 2.) Petitioners cite no authority for this argument, and this Court should reject it.

The Commission is in the best position to say what work its staff needs to do to prepare for the fall election. Reviewing the nomination papers for ballot access is just one of many tasks Commission staff must complete. Prior to the circulation of nomination papers, staff also needs to record the new boundaries in WisVote, integrate the new redistricting data with existing voter registration and address data, and manually review ward map changes and parcel boundary data to ensure that each voter is correctly located in their proper districts. These tasks must be completed *before* the nomination period begins on April 15, 2022, because candidates need to

Ms. Sheila T. Reiff  
Clerk of Supreme Court  
October 13, 2021  
Page 2

know which district they reside in and which office they can run for, and voters need to know which candidates' petitions they can properly sign. To give Commission staff time to complete this work and perform basic quality assurance checks on the data, the new redistricting plan must be in place by March 1, 2022, not by April 15, as Petitioners contend.

Second, we must correct a statement made in the letter brief filed by Proposed Intervenor-Petitioners Black Leaders Organizing for Communities, et al. ("BLOC Intervenors"). In advocating for a March 14, 2022 deadline, the BLOC Intervenors state that "[t]he next day is a statutory deadline for [the Commission] to provide notice of [the] new districts to county clerks." (BLOC Intervenors Ltr. Br. 1.) While it is true that the Commission must send such a notice—known as a Type A notice—to the county clerks by March 15, 2022, *see* Wis. Stat. §§ 10.01(2)(a), 10.06(1)(f), the notice may be supplemented with "information describing the territory in which an election is to be held" if redistricting is in process. Wis. Stat. § 10.01(2)(a). In other words, the notice must be sent by March 15 even if the maps are in flux. Thus, there is no statutory deadline of March 15 for completion of the maps as the BLOC Intervenors contend. Nevertheless, the Commission stands by its proposed deadline of March 1, 2022, a pragmatic date by which Commission staff believes it can properly, effectively, and timely administer the fall general election.

Sincerely,



Steven C. Kilpatrick

Karla Z. Keckhaver  
Thomas C. Bellavia

Assistant Attorneys General

SCK:srh

cc: Richard Esenberg/Anthony LoCoco/Lucas Vebber  
*Counsel for Petitioners*

Ms. Sheila T. Reiff  
Clerk of Supreme Court  
October 13, 2021  
Page 3

Daniel Suhr  
*Amicus party*

Kevin St. John (via email only)  
*Counsel for Wisconsin Legislature*

Adam Mortara  
*Counsel for Wisconsin Legislature*

Jefferey Harris  
*Proposed-Intervenor Counsel for Wisconsin Legislature*

Misha Tseytlin/Kevin LeRoy (via email only)  
*Counsel for Congressmen*

Charles Curtis  
*Counsel for Lisa Hunter, et al.*

Aria Branch (via email only)  
*Counsel for Lisa Hunter, et al.*

Mel Barnes  
*Counsel for BLOC, et al.*

Douglas Poland  
*Counsel for BLOC, et al.*

Annabelle E. Harless  
*Counsel for BLOC, et al.*

Mark Gaber  
*Counsel for BLOC, et al.*

Michael May/Sarah Zylstra (via email only)  
*Counsel for Proposed-Intervenors Citizen Mathematicians and Scientists*

Ms. Sheila T. Reiff  
Clerk of Supreme Court  
October 13, 2021  
Page 4

David Bradford  
*Counsel for Proposed-Intervenors Citizen Mathematicians and Scientists*

Anthony Russomanno/Brian Keenan  
*Counsel for Proposed-Intervenor Governor Tony Evers*

Tamara Packard  
*Counsel for Proposed-Intervenor Janet Bewley*