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Supreme Court of Wisconsin

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September 24, 2024

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*Distribution List Continued on Pages 3-5.

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

No. 2023AP1399-OA Clarke v. Wisconsin Elections Commission

In our December 22, 2023 decision, this court enjoined the "Elections Commission from using [the prior] legislative maps in all future elections" because the maps violated the Wisconsin Constitution. Clarke v. WEC, 2023 WI 79, ¶56, 410 Wis. 2d 1, 998 N.W.2d 370. We stated, however, that "[s]hould the legislative process produce a map that remedies the contiguity issues discussed above, there would be no need for this court to adopt remedial maps." Id., ¶57. The Legislature subsequently passed and the Governor signed what became 2023 Wisconsin Act 94, enacting new state legislative district maps.

The enactment of 2023 Wis. Act 94 has rendered moot petitioners' request that this court adopt new remedial legislative district maps. Accordingly, the court will grant a motion to dismiss that was filed on March 11, 2024, by the Wisconsin Legislature and the Republican Senator Respondents.¹ The court will also dismiss as moot a pending motion for reconsideration of the December 22, 2023 post-decision scheduling order filed by the Wisconsin Legislature and the Republican Senator Respondents, as well as a pending motion to subpoena Dr. Grofman and

¹ The Republican Senator Respondents are Rachael Cabral-Guevara, Rob Hutton, Andre Jacque, John Jagler, Jesse James, Chris Kapenga, Devin LeMahieu, Howard Marklein, Stephen Nass, Romaine Robert Quinn, Cory Tomczyk, and Van Wangaard.

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Dr. Cervas, the court's consultants, or to strike their February 1, 2024 report, which was filed by the Wisconsin Legislature, the Republican Senator Respondents, and the Johnson Intervenors-Respondents.² The dismissal of these pending motions and the remaining requests for relief in the original action petition will close this action. Accordingly,

IT IS ORDERED that the March 11, 2024 motion to dismiss this case is granted, and this action is hereby dismissed as moot; and

IT IS FURTHER ORDERED that the January 22, 2024 motion for reconsideration and the February 8, 2024 motion to subpoena Dr. Grofman and Dr. Cervas or to strike their February 1, 2024 report are dismissed as moot.

Samuel A. Christensen
Clerk of Supreme Court

² The Johnson Intervenors-Respondents are Billie Johnson, Chris Goebel, Ed Perkins, Eric O'Keefe, Joe Sanfilippo, Terry Moulton, Robert Jensen, Ron Zahn, Ruth Elmer, and Ruth Streck.

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