

Appeal No. 19-AP-559

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**SUPREME COURT OF WISCONSIN**

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LEAGUE OF WOMEN VOTERS OF WISCONSIN,  
DISABILITY RIGHTS WISCONSIN INC.,  
BLACK LEADERS ORGANIZING FOR COMMUNITIES,  
GUILLERMO ACEVES, MICHAEL J. CAIN,  
JOHN S. GREENE, and MICHAEL DOYLE, in his  
official capacity as Clerk of Green County, Wisconsin

*Plaintiffs-Appellees-Petitioners,*

v.

TONY EVERS, in his official capacity  
as Governor of the State of Wisconsin

*Defendant,*

*and*

THE WISCONSIN LEGISLATURE,

*Intervening Defendant-Appellant.*

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On Appeal from the Circuit Court for Dane County  
The Honorable Richard G. Niess, Presiding  
Circuit Court Case No. 19-CV-84

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**PETITION FOR BYPASS**

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### ***ISSUES FOR REVIEW***

1. Did the Wisconsin Legislature convene the December 2018 Extraordinary Session “at such time as shall be provided by law,” as required by Article IV, Section 11 of the Wisconsin Constitution?

2. Did convening the December 2018 Extraordinary Session by majority vote of each house’s organizing committee violate the quorum requirement in Article IV, Section 7 of the Wisconsin Constitution?

The circuit court held that the Legislature violated both constitutional provisions and granted a temporary injunction barring enforcement of actions taken during the December 2018 Extraordinary Session. (App. 001-016.)

The court of appeals stayed the circuit court’s injunction. (App. 024.)

## ***INTRODUCTION***

This case presents two constitutional questions of first impression:

1. What does Article IV, Section 11's requirement that the Legislature meet "at such time as shall be provided by law" mean?
2. Does the Legislature violate Article IV, Section 7's quorum requirement when it convenes, for the purpose of conducting legislative business, absent a vote by the majority of the members of each house?

In December 2018, the Wisconsin Legislature convened in what the Legislature itself denominates an "extraordinary session." The label is apt. Such sessions, last December's included, differ in kind from "regular sessions." During the December 2018 Extraordinary Session, the Legislature adopted three bills and the Senate confirmed the appointments of 82 gubernatorial nominees.

Petitioners (and the Governor) maintain that, because neither the Wisconsin Constitution nor any law authorized the Legislature to convene the December 2018 Extraordinary



Session, the actions taken during that session were *ultra vires* and, consequently, void *ab initio*. After full briefing and argument, the circuit court agreed. Judge Niess detailed his reasoning in a written opinion explaining why the actions were void, and he temporarily enjoined their enforcement. The court of appeals stayed the injunction pending appeal.

The continued uncertainty over the validity of the Legislature's actions in the December 2018 Extraordinary Session is of significant statewide concern. The actions are currently suspended in limbo, causing confusion, concern, and consternation. The sweeping statutory changes adopted as part of the December 2018 Extraordinary Session, as well as the debate over their legal force, has cast a cloud of doubt over the State. Because this case exclusively involves constitutional questions of first impression, only this Court can provide definitive resolution. This Court's review should therefore proceed on the most expedited basis practicable.

**CONSTITUTIONAL AND STATUTORY  
PROVISIONS IMPLICATED**

Wis. Const. art. IV, § 7:

Each house shall be the judge of elections, returns and qualifications of its own members; and a majority of each shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

Wis. Const. art. IV, § 11:

The legislature shall meet at the seat of government at such time as shall be provided by law, unless convened by the governor in special session, and when so convened no business shall be transacted except as shall be necessary to accomplish the special purposes for which it was convened.

Wis. Stat. § 13.02:

**Regular sessions.** The legislature shall meet annually.

(1) The legislature shall convene in the capitol on the first Monday of January in each odd-numbered year, at 2 p.m., to take the oath of office, select officers, and do all other things necessary to organize itself for the conduct of its business, but if the first Monday of January

falls on January 1 or 2, the actions here required shall be taken on January 3.

(2) The regular session of the legislature shall commence at 2 p.m. on the first Tuesday after the 8th day of January in each year unless otherwise provided under sub. (3).

(3) Early in each biennial session period, the joint committee on legislative organization shall meet and develop a work schedule for the legislative session, which shall include at least one meeting in January of each year, to be submitted to the legislature as a joint resolution.

(4) Any measures introduced in the regular annual session of the odd-numbered year which do not receive final action shall carry over to the regular annual session held in the even-numbered year.

### ***CRITERIA SUPPORTING BYPASS***

This Court may—and, given the importance of the questions presented and the exigent circumstances, should—accept this case on bypass. This case is the quintessential candidate for expedited Supreme Court review. It presents significant questions of first impression under the Wisconsin Constitution that only this Court can ultimately resolve. Moreover, the uncertainty surrounding the validity of the Legislature’s actions as part of the December 2018 Extraordinary Session continues, and the imminent and irreparable public harms multiply, as long as these questions remain unsettled. This Court has authority to take jurisdiction over this case on bypass either in response to this petition or of its own accord. Wis. Stat. § 808.05(1), (3); Wis. Stat. § (Rule) 809.60.

This Court’s “practice indicates that, to be appropriate for bypass, a matter generally must satisfy one or more of the

criteria for petitions for review under Wis. Stat. § 809.62(1r).” Michael S. Heffernan, *Appellate Practice & Procedure in Wisconsin* § 24.2 (7th ed. 2016); accord Sup. Ct. IOP § III.B.2 (<https://wicourts.gov/sc/IOPSC.pdf>) (“A matter appropriate for bypass is usually one which meets one or more of the criteria for review.”). Here, two are met. *First*, more than one “real and significant question of ... state constitutional law is presented.” Wis. Stat. § (Rule) 809.62(1r)(a). The issues for review both qualify. *Second*, because this case involves questions of first impression, it is indisputable that a decision by this Court “will help develop, clarify or harmonize the law.” *Id.* § (Rule) 809.62(1r)(c)2.

The Court’s Internal Operating Procedures provide additional guidance on bypass. A “matter appropriate for bypass,” they note, is often “one the court concludes it will ultimately choose to consider.” Sup. Ct. IOP § III.B.2. They also note that, “[a]t times, a petition for bypass will be

granted where there is a clear need to hasten the ultimate appellate decision.” *Id.* This case meets both of these standards as well. Because this case involves questions of first impression interpreting the Wisconsin Constitution, it is unlikely to reach final resolution absent adjudication by this Court. Bypass is therefore appropriate to hasten that ultimate adjudication because “there is a clear need” to finally resolve this dispute sooner rather than later.

While this Court has traditionally deferred bypass decisions until after briefing is complete in the court of appeals, it should not wait in this instance. All parties—including the Wisconsin Legislature as an Intervening Defendant—“fully and expertly briefed” the issues in the circuit court. (App. 004; *see also* App. 104-347 (containing the merits and amicus briefs filed in the circuit court).) Given the exigent circumstances, this Court should grant bypass and proceed expeditiously to oral argument and decision with the

aid of the circuit court briefs. That would allow this Court to issue a decision this Term, would definitively resolve the constitutional questions presented, and would provide needed certainty about the enforceability of the laws passed and appointments confirmed as part of the December 2018 Extraordinary Session. It would also save the parties, the taxpayers, and the courts significant additional expenditure of time and money on additional briefing that will primarily serve only to repeat arguments already presented to the circuit court.

### ***STATEMENT OF THE CASE***

Article IV, Section 11 of the Wisconsin Constitution authorizes the Legislature to meet in two—and only two—instances: “at such time as shall be provided by law” and when “convened by the governor in special session.” Wis. Const. art. IV, § 11. This provision has been twice amended, but these constraints have been retained.

During the first legislative session after ratification of the Constitution, the Legislature passed a statute “provid[ing] by law” for its meetings. Wis. Stat. ch. 8, § 1 (1849). That statute remains on the books as Wis. Stat. § 13.02. It is the sole statute devoted to authorizing the Legislature to meet to conduct legislative business. Titled “Regular sessions,” the statute provides that “[t]he legislature shall meet annually,” before delineating those meetings in four subsections. Wis. Stat. § 13.02. Nowhere does section 13.02 mention, much less authorize, “extraordinary sessions.”

On November 30 of last year—shortly after a statewide election in which Wisconsin voters elected new candidates to replace incumbent-candidates for the statewide offices of Governor, Attorney General, and Treasurer—the Assembly Committee on Assembly Organization and the Senate Committee on Senate Organization (“Organizing Committees”), convened the December 2018 Extraordinary



Session. (App. 036, ¶¶27-30.) Both Organizing Committees purported to act pursuant to Joint Rule 81(2)(a). (*See* App. 115 (citing Assembly Journal).) But, as the Legislature conceded in the circuit court (App. 407:17-21), the Legislature's Joint Rules, adopted by a joint resolution of the Legislature, do not have the force of law. (*See* App. 123 (collecting authority).) Moreover, because the Organizing Committees comprise only a few members from their respective houses, their decisions to convene the Legislature violated the quorum requirement. *See* Wis. Const. art. IV, § 7.

Just before noon on Monday, December 3, the Legislature met for the December 2018 Extraordinary Session. (App. 036-037, ¶¶31-32.) By breakfast time on Wednesday, December 5, the session had adjourned. (App. 040, ¶¶45-46.) In the interim, with minimal floor debate, the Legislature passed three bills of sweeping breadth. (App. 037-039, ¶¶34-41.) Those bills were signed by the Governor

several days later and published as 2017 Wisconsin Acts 368, 369, and 370. (App. 040, ¶¶47-49.) Also during the December 2018 Extraordinary Session, the Senate voted to confirm, *en masse*, 82 gubernatorial nominees to various State authorities, boards, councils, and commissions. (App. 039, ¶¶42-43.)

However, because the Legislature lacked authority, “provided by law,” to convene the December 2018 Extraordinary Session, its acts during that session were *ultra vires* and, thus, void *ab initio*. Plaintiffs initiated this lawsuit in January 2019, seeking a declaratory judgment that the December 2018 Extraordinary Session was unlawful and the actions taken as part of the session are accordingly without effect. (App. 026-058.) The Legislature, while not a named party to the suit, intervened with permission of all parties and the circuit court. (App. 101-102.) The Governor, a named Defendant, ultimately endorsed Plaintiffs’ theory and filed an identical cross-claim against the Legislature. (App. 098-099.)

The remaining Defendants, all affiliated with the Wisconsin Elections Commission, were dismissed by stipulation after agreeing to abide by orders issued in this case. (App. 103.)

After extensive motion practice and briefing, the circuit court held a two-hour hearing. (App. 348-458.) Three days later, the circuit court issued an opinion and order, finding that the December 2018 Extraordinary Session was unconstitutionally convened and enjoining all provisions of 2017 Wisconsin Acts 368, 369, and 370, as well as the Senate's confirmation of the 82 appointees. (App. 014.) The Legislature appealed the injunction as a matter of right. Wis. Stat. § 813.025(3). While expressly reserving judgment on "the merits of the appeal," the court of appeals, District III, granted the Legislature's emergency motion to stay the injunction pending appeal. (App. 021, 024-025.)<sup>1</sup>

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<sup>1</sup> The parties have an unresolved dispute over appellate venue. Plaintiffs maintain this case does not satisfy Wis. Stat. § 801.50(3)(a)

## **ARGUMENT**

### **I. THIS COURT SHOULD TAKE JURISDICTION THROUGH BYPASS.**

This Court has authority to take jurisdiction over this case through bypass. Wis. Stat. § 808.05. The statutes provide two avenues for bypass that are relevant here. The Court can grant this petition for bypass, Wis. Stat. § 808.05(1); *see, e.g., State v. Gilbert*, 109 Wis. 2d 501, 502, 326 N.W.2d 744 (1982) (granting bypass to review circuit court’s interlocutory order). Or the Court can reach the same end on its own initiative. Wis. Stat. § 808.05(3); *see, e.g., In re W.P.*, 153 Wis. 2d 50, 52, 449 N.W.2d 615 (1990) (effecting bypass on

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and, therefore, that appellate venue is appropriate only in District IV. *See* Wis. Stat. § 752.21(1). The Legislature argues the case does satisfy section 801.50(3)(a) and, therefore, that appellant is entitled to choose appellate venue anywhere but District IV. *See* Wis. Stat. § 752.21(2). Plaintiffs believe the court of appeals’ order on this issue is erroneous, harmful, and reviewable only before that court reaches the merits of the appeal. *See State ex rel. Dep’t of Nat. Res. v. Wis. Ct. App., Dist. IV*, 2018 WI 25, ¶¶45-47, 380 Wis. 2d 354, 909 N.W.2d 114. If this Court grants bypass, that action will obviate this tangential—but important—issue without further collateral litigation.

court's own motion). Regardless of which avenue the Court prefers, bypass is appropriate here, because the case "meets one or more of the criteria for review" set forth in rule 809.62(1r). Sup. Ct. IOP § III.B.2. This case also satisfies the additional factors this Court's Internal Operating Procedures identify as guidelines for determining when bypass is appropriate. *See id.*

**A. This Case Meets Two Criteria for Review Set Forth in Wis. Stat. § (Rule) 809.62(1r).**

This case satisfies two of the criteria set forth in Wis. Stat. § (Rule) 809.62(1r) to provide guidance on when review in this Court will be considered.<sup>2</sup> This case presents "real and significant question[s] of ... state constitutional law." Wis. Stat. § (Rule) 809.62(1r)(a). Moreover, a "decision by the supreme court will help develop, clarify or harmonize the

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<sup>2</sup> The other three criteria are entirely inapposite. Paragraph (b) applies to issues of policy rather than law; paragraphs (d) and (e) apply only if the court of appeals has already issued a decision in the case. Wis. Stat. § (Rule) 809.62(1r).

law” on “novel [questions], the resolution of which will have statewide impact.” Wis. Stat. § (Rule) 809.62(1r)(c)2.

**1. This case presents real, significant, and novel questions of state constitutional law.**

This case meets the criterion provided in paragraph (a) of rule 809.62(1r) because it presents “real and significant question[s] of ... state constitutional law.” No court has had occasion to construe Article IV, Section 11 of the Wisconsin Constitution. As the circuit court explained, “the protections guaranteed by Article IV, Section 11[ ] were no trifling matters for the state’s founders when the Wisconsin Constitution was adopted.” (App. 010.) Yet, “the Legislature’s argument, if accepted, would swallow much of Article IV, Section 11 whole” such that the constraint it imposes on the Legislature would “essentially disappear[.]” (*Id.*)

The Legislature's interpretation of Article IV, Section 11 violates this Court's consistent caution that constitutional provisions should be construed "where possible to give reasonable effect to every word, in order to avoid surplusage." *Appling v. Walker*, 2014 WI 96, ¶23, 358 Wis. 2d 132, 853 N.W.2d 888 (quoting *C. Coakley Relocation Sys., Inc. v. City of Milw.*, 2008 WI 68, ¶17, 310 Wis. 2d 456, 750 N.W.2d 900). It also would contravene the historical record bolstering the importance of Article IV, Section 11 to the framers. (See App. 126-130; 250-252 & n.20; 312-332.)

There is similarly no apposite precedent applying the quorum requirement in Article IV, Section 7 to a claim like the one at issue here.<sup>3</sup>

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<sup>3</sup> Only two cases mention Article IV, Section 7's quorum requirement in reference to the Legislature. See *State ex rel. Ozanne v. Fitzgerald*, 2011 WI 43, ¶24, 334 Wis. 2d 70, 798 N.W.2d 436 (Prosser, J., concurring); *State ex rel. Lynch v. Conta*, 71 Wis. 2d 662, 681, 239 N.W.2d 313 (1976), *superseded on other grounds by statutory amendment*, *State ex rel. Newspapers, Inc. v. Showers*, 135 Wis. 2d 77,

The parties' starkly conflicting interpretations of the Constitution's constraints, in the absence of any precedential guidance, present "real and significant question[s]." Wis. Stat. § (Rule) 809.62(1r)(a). The abundant and exigent practical concerns that hang in the balance underscore the significance of these questions and militate in favor of bypass to facilitate the promptest possible answers.

For this reason alone, the Court should grant this petition and take jurisdiction through bypass.

**2. A decision in this case will develop the law governing novel questions, the resolution of which will have statewide impact.**

This case also meets the criterion provided in paragraph (c) of rule 809.62(1r) because "[a] decision by the supreme court will help develop[ and] clarify" the law applicable to "novel" questions "the resolution of which will

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398 N.W.2d 154 (1987). Neither provides guidance that resolves the question raised under Article IV, Section 7 in this case.



have statewide impact.” As discussed above, the real and significant questions of state constitutional law presented here are ones of first impression that have practical consequences for the citizens of this State. Because no court has had the opportunity to map the constraints that these provisions of the Wisconsin Constitution impose upon the Legislature, a decision here will both “develop” and “clarify” the law. Wis. Stat. § (Rule) 809.62(1r)(c). The practical implications of this case leave no doubt that “resolution ... will have statewide impact.” Wis. Stat. § (Rule) 809.62(1r)(c)2.

For this reason as well, the Court should grant this petition and take jurisdiction through bypass.

**B. This Case Meets the Additional Criteria Identified in the Court’s Internal Operating Procedures.**

This Court’s Internal Operating Procedures identify two additional factors relevant to evaluating a bypass petition. This case satisfies both.

*First*, a “matter appropriate for bypass” is also often “one the court concludes it will ultimately choose to consider regardless of how the Court of Appeals might decide the issues.” Sup. Ct. IOP § III.B.2. The significant constitutional questions of first impression presented here will not have an authoritative answer until answered by this Court. For that reason, review here will advance “the supreme court’s primary function ... of law defining and law development” and advance “[t]he purpose of the supreme court [] to oversee and implement the statewide development of the law.” *Blum v. 1st Auto & Cas. Ins. Co.*, 2010 WI 78, ¶47, 326 Wis. 2d 729, 786 N.W.2d 78 (quoting *Cook v. Cook*, 208 Wis. 2d 166, 189, 560 N.W.2d 246 (1997)).

*Second*, sometimes “a petition for bypass will be granted where there is a clear need to hasten the ultimate appellate decision.” Sup. Ct. IOP § III.B.2. This case evinces such “a clear need.” The three Acts adopted during the

December 2018 Extraordinary Session contain a multitude of provisions addressing a wide variety of topics, including the administration of elections, agency rulemaking processes, agency guidance documents, the administration of Medicaid and other public assistance programs, funding for highway projects around the State, and the conduct of litigation involving State interests. The scope of these laws, and the significant changes they make to the operation of State government, counsel in favor of prompt resolution so that the people and their government alike have clarity on how the State will be run and the Acts' implications on their lives.

Additionally, while the court of appeals did not address this issue in its weighing of harms relevant to determining whether to stay the circuit court's injunction, this Court has consistently recognized that misappropriation of public funds inflicts injury on all taxpayers. "Any illegal expenditure of public funds directly affects taxpayers and

causes them to sustain a pecuniary loss.” *S.D. Realty Co. v. Sewerage Comm’n of Milw.*, 15 Wis. 2d 15, 22, 112 N.W.2d 177 (1961). It follows that “a misappropriation of [] funds is an injury to the tax-payer for which no other remedy [than injunction] is so effectual or appropriate.” *Willard v. Comstock*, 58 Wis. 565, 571-72, 17 N.W. 401 (1883).

The injunction Plaintiffs obtained from the circuit court served to ensure the Legislature cannot “with impunity violate the constitutional limitations of its powers.” *City of Appleton v. Town of Menasha*, 142 Wis. 2d 870, 878-79, 419 N.W.2d 249 (1988) (quoting *Columbia Cty. v. Bd. of Trs. of Wis. Ret. Fund*, 17 Wis. 2d 310, 319, 116 N.W.2d 142 (1962)). Now that the court of appeals has stayed that injunction, the misappropriation of public funds is “an evil wholly without means of prevention or redress by any process known to the law.” *Lawson v. Schnellen*, 33 Wis. 288, 294 (1873). This, too, counsels in favor of this Court taking

jurisdiction over this case through bypass and expediting final resolution.

## **II. THE COURT SHOULD EXPEDITE THIS CASE FOR RESOLUTION YET THIS TERM.**

Upon granting bypass, this Court should proceed to resolve the merits of this case as quickly as practicable. The circumstances here merit alacrity. As counsel for the Legislature advised the circuit court, “this case should be decided promptly,” as “there is no reason to delay the prompt disposition of the merits of this case.” Letter dated Feb. 6, 2019 from Misha Tseytlin to Judge Niess (Dkt. 75) at 1-2.

This case will determine the enforceability of “the many dozens of provisions that the Legislature enacted in December 2018.” (App. 191-192.) Those provisions—as long as they remain in effect, the unconstitutional procedure by which they were promulgated notwithstanding—are causing real harm. Petitioners alleged a variety of harms (*see* App.

041-055, ¶¶51-77; 133-151.) The Governor also explained how these laws “in fact damage the fundamental balance of power among the three state branches of government, require the expenditure of tax funds which cannot be recovered from a wrongdoer, and will result in delay, diminishment, and denial of important government services to the people and businesses of Wisconsin.” (App. 181.) These concrete harms are compounded by what the circuit court identified as the “irreparable harm to a constitutional democracy” imposed by “enforcement of laws that do not exist” because they were adopted outside of constitutionally mandated procedures. (App. 013.)

In considering whether to stay the circuit court’s injunction, the court of appeals recognized that there is no avoiding harm as long as this litigation persists. As the court explained, the Legislature’s claimed “representational injury”—“that the people of a state always suffer a form of

intangible harm any time statutes enacted by their representatives are enjoined”—“is the flip side of the potential harm that the circuit court recognized that would result from enforcing an invalid law.” (App. 023-024.) While Petitioners do not believe the harms here are in equipoise, the fundamental point is that substantial risk of irreparable harm hangs ever-presently, like the Sword of Damocles, over the State until this case reaches final resolution.

This fundamental point alone recommends the quickest practicable resolution, this Term if possible. To that end, Petitioners respectfully request that the Court resolve this matter without additional briefing. Using the circuit court briefs—as this Court did in *Ozanne*—would allow the Court to move directly to oral argument and decision. Such a schedule would provide definitive answers to the constitutional questions of first impression presented here and would bring closure to the ongoing uncertainty over the

enforceability of the laws passed and appointments confirmed as part of the December 2018 Extraordinary Session. In the process, it would save further expenditures of time and money by the parties, the taxpayers, and the courts.

This Court is “charged at all times with the support of the Constitution.” *State v. Hess*, 2010 WI 82, ¶39, 327 Wis. 2d 524, 785 N.W.2d 568 (quoting *Weeks v. United States*, 232 U.S. 383, 392 (1914)). As the circuit court recognized, “[t]he rule of law—the very bedrock of the Wisconsin Constitution—cannot, in any respect, abide enforcement of laws that do not exist.” (App. 013.) The Court’s “duty ... to uphold the constitution is absolute,” *Bonnett v. Vallier*, 136 Wis. 193, 203, 116 N.W. 885 (1908), even when “final judgment may have practical political consequences,” *State ex rel. Wis. Senate v. Thompson*, 144 Wis. 2d 429, 436-37, 424 N.W.2d 385 (1988). As Justice Prosser wrote to explain the Court’s prompt merits disposition of *Ozanne*: “Whether

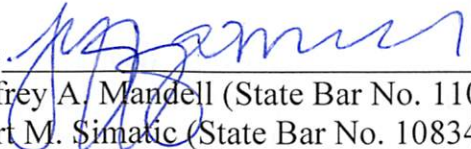


the case is decided now or months from now at the height of the fall colors, the court would be required to answer the same difficult questions. Delaying the inevitable would be an abdication of judicial responsibility; it would not advance the public interest.” 2011 WI 43, ¶20 (Prosser, J., concurring). So, too, here.

### ***CONCLUSION***

For the reasons stated above, this Court should take jurisdiction over this case through bypass. The Court should then proceed to final resolution on the most expedited basis practicable.

Dated: April 3, 2019

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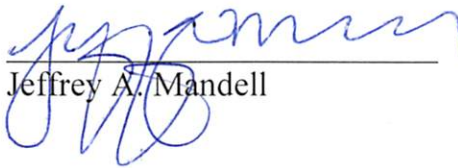
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### ***CERTIFICATION***

I certify that the foregoing petition conforms to the rules contained in Wis. Stat. § (Rule) 809.62(4) and § (Rule) 809.19(8)(b) and (c) for a brief produced with a proportional serif font. This petition contains 4,023 words, exclusive of the caption, Table of Contents and Authorities, and this Certificate.

Dated: April 3, 2019.

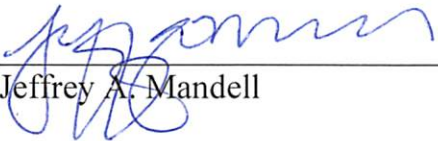
  
\_\_\_\_\_  
Jeffrey A. Mandell

### ***CERTIFICATION***

I hereby certify that filed with this petition, as a separate document, is an appendix that complies with Wis. Stat. § (Rule) 809.62(2)(f) and § (Rule) 809.19(2)(a) and that contains, at a minimum: (1) a table of contents; (2) the decision and opinion of the court of appeals [not applicable]; (3) the findings or opinion of the circuit court; and (4) portions of the record essential to an understanding of the issues raised, including oral or written rulings or decisions showing the circuit court's reasoning regarding those issues.

I further certify that if this appeal is taken from a circuit court order or judgment entered in a judicial review of an administrative decision, the appendix contains the findings of fact and conclusions of law, if any, and final decision of the administrative agency.

I further certify that if the record is required by law to be confidential, the portions of the record included in the appendix are reproduced using first names and last initials instead of full names of persons, specifically including juveniles and parents of juveniles, with a notation that the portions of the record have been so reproduced to preserve confidentiality and with appropriate references to the record.




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Jeffrey A. Mandell

***CERTIFICATE OF COMPLIANCE WITH  
WIS. STAT. § (RULE) 809.19(12)***

I hereby certify that I have submitted an electronic copy of this petition, excluding the appendix, which complies with the requirements of Wis. Stat. § (Rule) 809.19(12). I further certify that this electronic petition is identical in content and format to the printed form of the petition filed as of this date.

A copy of this certificate has been served with the paper copies of this petition filed with the court and served on all opposing parties.

  
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Jeffrey A. Mandell