

Court of Appeals denies Walker's request to delay call for special elections

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An appellate court today refused to delay the deadline to call special elections in two legislative seats as GOP lawmakers continued to forge ahead on legislation that would undercut an order to fill the vacancies.

Meanwhile, the Department of Justice is gearing up to take the issue to the state Supreme Court, notifying the high court's clerk in a letter today that it's looking at filing a direct appeal to postpone calling the elections.

The letter also asks the court, which has a 5-2 conservative majority, to issue a decision by noon tomorrow — when Gov. Scott Walker has been ordered to call the elections — if the DOJ formally files its emergency petition asking to bypass the Court of Appeals.

The 2nd District Court of Appeals' decision this afternoon comes after the DOJ this morning filed an emergency motion of relief asking the court to let Walker wait until April 6 to call the elections in the 1st SD and 42nd AD. A similar request was denied by a Dane County judge yesterday afternoon.

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The decision dismissed the DOJ's arguments for the delay, noting Walker "has an obligation to follow the law just as do we."

It also ripped the argument in the DOJ's motion that late elections are an "unnecessary waste of taxpayer resources and confusing to voters due to their proximity to general election primaries."

The Elections Commission estimated today it would cost the 1st SD \$234,876 and the 42nd AD \$71,730 to hold the elections, based off of the spring 2017 general election costs.

“Representative government and the election of our representatives are never ‘unnecessary,’ never a ‘waste of taxpayer resources,’ and the calling of the special elections are as the Governor acknowledges, his ‘obligation’ to follow by virtue of (state statute),” the order said.

See the decision:

<https://www.wispolitics.com/wp-content/uploads/2018/03/-courtofappealsruling032818.pdf>

See the DOJ’s emergency motion for relief:

<https://www.wispolitics.com/wp-content/uploads/2018/03/-180328DOJemergencymotion.pdf>

See the Supreme Court letter:

<https://www.wispolitics.com/wp-content/uploads/2018/03/-DOJsupremecourt032818.pdf>