

VERIFIED COMPLAINT

Under this verified complaint, the plaintiff, Representative Jimmy Anderson (Representative Anderson) alleges as follows:

1. THE PARTIES

- 1.1 The plaintiff, Representative Anderson, lives in Fitchburg, Wisconsin which resides within Dane County.
- 1.2 Representative Anderson serves as a duly elected member of the Wisconsin State Assembly, proudly representing the 47th Assembly District. Representative Anderson is also a fully disabled quadriplegic who uses a motorized wheelchair for mobility purposes.
- 1.3 Defendant, Robin Vos (Speaker Vos), is a duly elected member of the Wisconsin State Assembly and serves as Speaker of the Assembly. As Speaker, Vos serves as the leader of the Republican Caucus.
- 1.4 Defendant, Jim Steineke (Representative Steineke), is a duly elected member of the Wisconsin State Assembly and serves in Republican leadership with Speaker Vos as the Majority Leader.
- 1.5 Defendant, Tyler August (Representative August), is a duly elected member of the Wisconsin State Assembly and serves in Republican leadership with Speaker Vos as Speaker Pro Tempore.
- 1.6 Representative Anderson leaves open the possible addition of any other member of Republican leadership in the Wisconsin State Assembly if facts come to light that warrant their inclusion.

2. INTRODUCTION AND STATEMENT OF FACTS

- 2.1 Representative Anderson asserts that Speaker Vos and other members of Republican leadership excluded Representative Anderson from attending a meeting of the legislature in violation of the Open Meetings Laws.
- 2.2 In January 2017, at the beginning of the legislative session, Representative Anderson met with Speaker Vos and informed him of certain accommodations that he would need in order for Representative Anderson to fully participate in the legislative process. During the conversation, Representative Anderson and Speaker Vos discussed both physical and technical barriers that would need to be overcome.
- 2.3 After the meeting, Representative Anderson was able to attend all of his committee hearings and Assembly floor sessions with little difficulty until an incident on the morning of April 6th of 2017.

- 2.4 After a procedural move by Democrats, Speaker Vos scheduled a follow-up floor session early the next day giving members less than 24 hours notice. Representative Anderson was unable to attend the floor session due to limitations related to his disability.
- 2.5 Feeling frustrated, Representative Anderson went to Democratic leadership to explain why he was unable to attend the floor session and requested that any future meetings of the legislature come with reasonable notice. Representative Anderson explained that his disability requires the assistance of home healthcare workers who need to be scheduled well in advance and that his disability makes it difficult for him to be up in his wheelchair and ready to begin his day without a few hours of preparation, making adequate notice an absolute necessity for him to be able to fully participate in the legislative process.
- 2.6 Democratic leadership assured Representative Anderson that his concerns were taken to Republican leadership and that they would be more considerate when scheduling future meetings of the legislature.
- 2.7 From that point, Representative Anderson had little trouble fully participating in the legislative process and had assumed that Republican leadership had taken his concerns seriously. Unfortunately, that was not the case.
- 2.8 In December 2018, after suffering considerable losses in the recent election, Republican leaders in the Assembly and Senate moved forward with unpopular and undemocratic legislation that stripped the incoming Governor and Attorney General of certain powers enjoyed by their predecessors. This came to be known as the “Wisconsin Power Grab.”
- 2.9 As to avoid public scrutiny and input, hundreds of pages of proposed legislation were released on November 30, followed by a hasty committee hearing and committee vote on December 3, and then scheduled for a floor session for a final vote on December 4 at 2 PM.
- 2.10 With severe concerns about the legislation and an overflow of email messages and voicemails from constituents, Representative Anderson was on the floor of the Assembly at 2 PM on December 4 ready to debate the legislation, voice the concerns of his constituents, possibly provide much-needed amendments, and otherwise fully participate in the legislative process. Unfortunately, Republicans in the Assembly had not finalized negotiations with Republicans in the Senate, and so the floor session was delayed.
- 2.11 Representative Anderson waited in his office for hours with no notice as to when the floor session would begin. Representative Anderson inquired with Democratic leadership to find out when the floor session would begin so that he could inform

his home healthcare workers of his needs. Democratic leadership did not have any additional information and stated that they were not being kept informed about the ongoing negotiations.

- 2.12 Democratic leadership was very upset because the unnecessarily hasty process for these bills violated many of the rules agreed upon between Republican and Democratic leadership in what is called the Memorandum of Understanding.
- 2.13 At or around 5 PM on December 4, Representative Anderson reached out to Representative Steinke via text for any update on when the floor session would begin so that he could properly coordinate his home healthcare workers. Representative Anderson hoped that Republican leadership would recall the previous incident that excluded Representative Anderson and that they would attempt to accommodate his request for information so as to avoid another instance of exclusion. Representative Steinke replied that the situation was “fluid” and failed to provide any further details.
- 2.14 At or around 10 PM on December 4, a full eight hours after the floor session was supposed to begin, Representative Anderson informed Dianne Hesselbein, the Democratic Assistant Minority Leader and member of the Democratic leadership, that he was unable to wait any longer and that he needed to go home. Representative Anderson explained that spending a night in his wheelchair could cause significant health complications and that if he did not go home immediately, he would not have the assistance he needed to transfer from his wheelchair into bed that evening.
- 2.15 Representative Anderson returned to his home in Fitchburg and went to bed at around 11:30 PM on December 4. Before going to bed, he checked to see if there was any progress on the start of a floor session. There was none.
- 2.16 Representative Anderson woke up the next day at around 9 AM and was able to get into his wheelchair and begin the day at around 10:30 AM. After checking his email, he saw that Representative Steinke sent out an email at around 4:20 AM on December 5 informing the members of the Assembly that they were expected to be on the floor to begin the floor session by 4:30 AM.
- 2.17 After being delayed over 14 hours, the floor session began at the unreasonable hour of 4:30 AM. At no time did Republican leadership let any member know as to when the floor session would begin outside of the ridiculously timed email from Representative Steinke mentioned above.
- 2.18 At no point did any member of Republican leadership offer to delay the vote until a more reasonable hour despite holding many members of the Assembly in their offices overnight with little to no sleep. Had Republican leadership simply decided to hold the vote at 2 PM the next day, there would have been no problem.

- 2.19 Unfortunately, by the time Representative Anderson was in his wheelchair and ready to begin his day, the debate was over, the votes were cast, and the floor session was adjourned. Representative Anderson was, for all intents and purposes, excluded from the legislative process.

3. CAUSES OF ACTION

- 3.1 According to Wisconsin's Open Meetings Laws, "...all meetings of all state and local governmental bodies shall be publicly held in places reasonably accessible to members of the public and shall be open to all citizens at all times unless otherwise expressly provided by law." Wis.Stat. § 19.81(2).
- 3.2 It is obvious that these laws specifically intended to provide individuals with disabilities reasonable access to the legislative process. When defining the term "Open Session," the law states, "a meeting which is held in a place reasonably accessible to members of the public and open to all citizens at all times. In the case of a state governmental body, it means a meeting which is held in a building and room thereof which enables access by persons with functional limitations..." Wis.Stat. § 19.83(3).
- 3.3 Under Wis.Stat. § 19.89, the law states unambiguously that, "No duly elected or appointed member of a governmental body may be excluded from any meeting of such body."
- 3.4 Representative Anderson argues that Speaker Vos along with the other members of Republican leadership made it impossible for Representative Anderson to participate in the floor session that occurred on December 5, 2018. By failing to provide proper accommodations for his disability and reasonable notice, Speaker Vos excluded Representative Anderson from a meeting of the legislature in violation of Wis.Stat. § 19.89.
- 3.5 Representative Anderson further maintains that his exclusion also raises questions under Article I., Sec. 1 of the Wisconsin Constitution that guarantees Equal Protection under the law for all Wisconsinites or Article IV., Sec. 4 which guarantees the 47th Assembly District representation in the legislature.

4. RELIEF SOUGHT

- 4.1 Representative Anderson requests that the bills passed during the meeting of the legislature that violated Wisconsin's Open Meetings Laws be voided.
- 4.2 Under Wis.Stat. § 19.97(3), "Any action taken at a meeting of a governmental body held in violation of this subchapter is voidable, upon action brought by the attorney general or the district attorney of the county wherein the violation occurred. However, any judgment declaring such action void shall not be entered unless the court finds, under the facts of the particular case, that the public interest in the

enforcement of this subchapter outweighs any public interest which there may be in sustaining the validity of the action taken.”

- 4.3 Representative Anderson maintains that the public’s interest in stripping the new Governor and Attorney General of powers previously enjoyed by their predecessors is very small. The way these bills were introduced and passed demonstrated their unpopularity and naked partisan purpose. When compared to the public’s interest in ensuring that all individuals with disabilities are provided every opportunity to run for office and represent their fellow Wisconsinites, and further, the interest of Representative Anderson’s constituents to be represented and have their voice heard through their elected Assemblyperson, the choice should be clear: these laws must be voided.

VERIFICATION

I, Representative Jimmy Anderson, declare that I have read this complaint in its entirety and I verify that the contents are true to the best of my knowledge under penalty of perjury.

Representative Jimmy Anderson

Executed on _____, 2019 at Dane County, Wisconsin