

FILED
11-14-2023
CLERK OF WISCONSIN
SUPREME COURT

STATE OF WISCONSIN
IN SUPREME COURT

No. 2023AP001896-OA

JULIE UNDERWOOD,
CHARLES UPHOFF,
RANDY WENDT, FATHER
TOM MUELLER, ANGELA
RAPPL, DUSTIN IMRAY
AND SCOTT WALKER,

Petitioners,

v.

ROBIN VOS, SPEAKER OF
THE WISCONSIN STATE
ASSEMBLY, JILL
UNDERLY, WISCONSIN
STATE SUPERINTENDENT
OF PUBLIC INSTRUCTION
AND KATHY
BLUMENFELD,
SECRETARY OF THE
DEPARTMENT OF
ADMINISTRATION,

Respondents.

**RESPONSE OF RESPONDENT UNDERLY TO
PETITION FOR LEAVE TO COMMENCE AN
ORIGINAL ACTION**

Respondent Jill Underly, in her official capacity as
Wisconsin State Superintendent of Public Instruction, by

undersigned counsel, responds to the petition for leave to commence an original action as follows:

Respondent Underly is the Wisconsin State Superintendent of Public Instruction. The Wisconsin Constitution vests supervision of public instruction in the state superintendent and the powers and duties of the office are prescribed by law. Wis. Const. art. X, § 1.

Respondent Underly's primary concern is oversight and supervision of public instruction. *Id.*; *see generally*, Wis. Stat. ch. 115, subch. II. Accordingly, Underly takes no position on whether the Court should grant the petition for leave to commence an original action. If this Court takes jurisdiction, Respondent Underly may take a position on the accuracy of any factual assertions made by any party to the action and will respond to requests by the Court.

* * *

Dated this 14th day of November 2023.

Respectfully submitted,

ERIC J. WILSON
Deputy Attorney General of
Wisconsin

Electronically signed by:

s/Rachel L. Bachhuber
RACHEL L. BACHHUBER
Assistant Attorney General
State Bar #1052533

Attorneys for Respondent Jill
Underly, in her official capacity as
Wisconsin State Superintendent of
Public Instruction

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CERTIFICATE OF EFILE/SERVICE

I certify that in compliance with Wis. Stat. § 809.801(9), I electronically filed this *Response of Respondent Underly To Petition For Leave To Commence An Original Action* with the clerk of court using the Wisconsin Appellate Court Electronic Filing System, which will accomplish electronic notice and service for all participants who are registered users.

Dated this 14th day of November 2023.

Electronically signed by:

s/Rachel L. Bachhuber

RACHEL L. BACHHUBER

Assistant Attorney General