FILED
07-08-2025
CIRCUIT COURT
DANE COUNTY, WI
2025CV002252
Honorable David Conway
Branch 17

LAW FORWARD

July 8, 2025

VIA ELECTRONIC FILING

Clerk of Courts
Dane County Courthouse
Room 1000
215 South Hamilton Street
Madison, WI 53703

RE: *Wisconsin Business Leaders for Democracy v. Wisconsin Elections Commission*, filed July 8, 2025

Dear Clerk:

This letter is filed in conjunction with other filings necessary to initiate the action identified above. I write on behalf of my co-counsel and our clients—the Plaintiffs in the referenced action—to call your attention to the fact that the filing of this action triggers a statute providing that "[n]ot more than 5 days after an action to challenge the apportionment of a congressional or state legislative district is filed, the clerk of courts for the county where the action is filed shall notify the clerk of the supreme court of the filing." Wis. Stat. § 801.50(4m). " Upon receiving notice under s. 801.50 (4m), the supreme court shall appoint a panel consisting of 3 circuit court judges to hear the matter." Wis. Stat. § 751.035(1).

To the best of our knowledge, these statutory provisions, which were adopted in 2011 Wisconsin Act 39, have been invoked only once before. *See Clinard v. Brennan*, No. 11CV3995 (Waukesha Cnty. Cir. Ct., filed Nov. 28, 2011), notice docketed as 2011XX1409 (Wis. Dec. 5, 2011). In that instance, shortly after Act 39's adoption, the Supreme Court ordered the parties to brief jurisdictional questions not relevant here that arose from overlapping, seriatim filings in both the Supreme Court and the Waukesha County Circuit Court. Ultimately, the Supreme Court dismissed the matter it opened in response to the circuit court's notice, "along with

all accompanying motions and requests for relief." *Clinard*, 2011XX1409, Order (Wis. Jan. 13, 2014).[1]

On behalf of Plaintiffs, we provide this information merely to call your attention to the applicability of this rarely invoked statutory provision and to provide the scant information available about its previous use. We appreciate your attention to this matter and your prompt submission of notice to the Supreme Court, as provided for in the statute and demanded in our Complaint.

If there is any further information we can provide or that you need before submitting the notice, please let me know.

Respectfully submitted,

Law Forward

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[1] Relatedly, the plaintiffs in the Clinard matter had previously filed a petition in the Supreme court, asking directly for the appointment of a three-judge panel or, in the alternative, to initiate an original action. *See Clinard v. Brennan*, No. 2011AP2677-OA (Wis., filed Nov. 21, 2011). The Supreme Court docketed the matter as an original action petition, which it also dismissed.