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DISTRICT IV

December 23, 2025

To:

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Circuit Court Judge
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You are hereby notified that the Court has entered the following opinion and order:

2024AP1391

Racine Recall v. Wisconsin Elections Commission
(L.C. # 2024CV2019)

Before Graham, P.J., Kloppenburg, and Taylor, JJ.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Racine Recall appeals a circuit court order dismissing its petition for a writ of mandamus. The issue on appeal is whether the Wisconsin Elections Commission (the commission) properly rejected Racine Recall's 2024 petition to recall Wisconsin State Assembly representative Robin Vos. The commission rejected the petition based on its determination that the petition did not contain a sufficient number of valid signatures because it included signatures that were collected more than sixty days from when the petition was registered. *See* WIS. STAT. § 9.10(2)(d)-(e)

(2023-24).¹ We need not reach the merits of the issue presented on appeal because we dismiss the appeal on mootness grounds.

Racine Recall acknowledges in its appellant’s brief that the appeal is moot, as Vos was re-elected and can no longer be recalled pursuant to the 2024 recall petition. Vos and the commission, in their respective respondent’s briefs, also each take the position that the appeal is moot.² A matter is moot, and subject to dismissal, if resolving it cannot have any practical effect on an existing controversy. *City of Racine v. J-T Enters. of Am., Inc.*, 64 Wis. 2d 691, 700, 221 N.W.2d 869 (1974). We agree with the parties that the appeal is moot.

Moot issues generally will not be considered on appeal; however, we acknowledge that exceptions exist where, for example, an issue has great public importance. *Warren v. Link Farms, Inc.*, 123 Wis. 2d 485, 487, 368 N.W.2d 688 (Ct. App. 1985). Whether to decide a moot appeal is a discretionary decision for an appellate court. *Outagamie County v. C.J.A.*, 2022 WI App 36, ¶7, 404 Wis. 2d 1, 978 N.W.2d 493.

Racine Recall asks this court to address the merits of the appeal, notwithstanding the fact that the matter is moot. Racine Recall argues that interpretation of the recall statutes at issue in

¹ All references to the Wisconsin Statutes are to the 2023-24 version.

² The brief of respondent Robin Vos does not comply with WIS. STAT. RULE 809.19(8)(bm), which addresses the pagination of appellate briefs. See RULE 809.19(8)(bm) (providing that, when paginating briefs, parties should use “Arabic numerals with sequential numbering starting at ‘1’ on the cover”). This rule was amended in 2021, see S. CT. ORDER 20-07, 2021 WI 37, 397 Wis. 2d xiii (eff. July 1, 2021), and the reason for the amendment is that briefs are now electronically filed in PDF format, and are electronically stamped with page numbers when they are accepted for eFiling. As our supreme court explained when it amended the rule, the new pagination requirements ensure that the numbers on each page of a brief “will match ... the page header applied by the eFiling system, avoiding the confusion of having two different page numbers” on every page of a brief. S. CT. ORDER 20-07 cmt. at xl.

this case is a matter of great public importance. Vos and the commission argue that the issue presented on appeal does not meet the criteria for an issue of great public importance, as that exception has been interpreted in case law. We agree with the position of Vos and the commission.

To be an issue of great public importance, the “question must be of ‘sufficient public character, interest and significance.’” *Hahner v. Board of Ed.*, 89 Wis. 2d 180, 186, 278 N.W.2d 474 (Ct. App. 1979) (quoted source omitted). Generally, an issue of great public importance affects persons well beyond the parties to the case at hand. For example, in *Winnebago County v. Christopher S.*, 2016 WI 1, 366 Wis. 2d 1, 878 N.W.2d 109, the supreme court concluded that issues concerning the commitment of inmates to mental health facilities and the involuntary administration of psychotropic medication and treatment were of great public importance because “they would affect a large number of persons in the Wisconsin [s]tate prison system.” *Id.*, ¶32. In contrast, the current appeal presents a narrow legal question based on a particular set of facts. More generally, “[m]oot cases will be decided on the merits only in the most exceptional or compelling circumstances.” *City of Racine*, 64 Wis. 2d at 702. Racine Recall has not demonstrated that those circumstances exist here.

IT IS ORDERED that the appeal is dismissed as moot.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals