



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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February 2, 2022

(Via email file and paper service)

Ms. Sheila T. Reiff
Clerk of Supreme Court
110 East Main Street, Suite 215
Madison, WI 53701-1688

Re: *Johnson v. Wisconsin Elections Commission*, No. 2021AP1450,
Response regarding Hunter Intervenor-Petitioners' motion

Dear Ms. Reiff:

Pursuant to this Court's January 31, 2022, order, the Governor provides the following response regarding the Hunter Intervenor-Petitioners' motion submitting additional information on congressional maps.

The Governor agrees with the points stated in the Hunter Intervenors' filing and joins it. Specifically, the Hunter Intervenors' filing demonstrates that a deviation of plus-or-minus-one (or a range of two) is commonplace in congressional maps, especially where it is undisputed that districts with perfect equality cannot be drawn. Further, the Congressmen still have pointed to no case holding that having a deviation of plus-or-minus-one is unlawful or could support a cognizable claim under these circumstances.

Because there is no basis for concluding it is unlawful or cognizable as a claim, there is no reason to alter the districts in the Hunter Intervenors' or Governor's maps. However, it should be noted that this extremely small, technical issue bears no relationship to the substantially different alternative map previously proposed by the Congressmen that this Court already ruled it would not consider.

Sincerely,

Anthony D. Russomanno
Assistant Attorney General

Ms. Sheila T. Reiff
February 2, 2021
Page 2

ADR:jrs

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