FILED
08-13-2026
CLERK OF WISCONSIN
SUPREME COURT

# Supreme Court of Wisconsin

**NO. 2024AP2484** **DEMOCRATIC NATIONAL COMMITTEE V. BOEHM** **L.C.#2024CV730**

August 13, 2026

The Court has entered the following order:

A petition for review pursuant to WIS. STAT. § 808.10 having been filed on behalf of petitioner-respondent-petitioner, the Democratic National Committee, on August 10, 2026;

IT IS ORDERED that any response to the petition for review shall be filed by August 18, 2026; and

IT IS FURTHER ORDERED that any non-party that wishes to file a non-party brief amicus curiae in support of or in opposition to the petition for review must file a motion for leave of the court to file a non-party brief pursuant to the requirements of WIS. STAT. § (Rule) 809.19(7). Non-parties should also consult this court's Internal Operating Procedure III.B.6.c. concerning the nature of non-parties who may be granted leave to file a non-party brief. A proposed non-party brief must accompany the motion for leave to file it. Any proposed non-party brief shall not exceed 13 pages if a monospaced font is used, or 3,000 words if a proportional serif font is used. Any motion for leave with the proposed non-party brief attached shall be filed by August 18, 2026. Any submission by a non-party that does not comply with WIS. STAT. § (Rule) 809.19(7) and any proposed non-party brief for which this court does not grant leave will not be considered by the court.

ANNETTE KINGSLAND ZIEGLER, J., dissenting.

Justice is supposed to be blind, but justice should not turn a blind eye to the obvious. Today's unprecedented order expediting the Democratic National Committee's ("DNC") appeal further cements the majority's blatant favoritism of one political party

(the Democratic Party) in election cases.[1] *See Bothfeld v. WEC*, 2025 WI 53, 418 Wis. 2d 545, 27 N.W.3d 508 (Ziegler, J., dissenting) ("Our court has undermined its own constitutional authority in furtherance of affording the Democratic Party even more partisan political advantage . . . ."). The DNC seeks a decision from this court before Election Day, which is not even three months away, notwithstanding the fact that this statute has been in effect for decades and has governed numerous elections. One is left to wonder how the majority justifies taking extraordinary action, giving preferential treatment to this case, over all the others, even though the other cases were timely filed and have pressing issues. Those, other than the DNC's, will sit and wait.

If the majority is expediting this petition for review, because it is considering hearing and deciding this case before November, that would be extraordinary. To be clear, granting a petition for review begins the processing of the case, but in the ordinary course, it is many months later that a decision is rendered. For those who are not the DNC, as is the case with most petitions for review, it can take many more than three months between the date of filing and the date on which this court grants review.[2] Granting review is not issuing a decision. In the ordinary course of business, the court's calendar in the fall is comprised of the cases granted later in the previous term.[3] And,

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[1] *Contrast Trump v. Biden*, 2020 WI 91, ¶113, 394 Wis. 2d 629, 951 N.W.2d 568 (Ziegler, J., dissenting) (explaining that "[o]nce again, the majority imposes its definition of laches, which is tailored to its judicial preferences rather than based on well-established legal principles" by rejecting a Republican challenge to absentee ballot practices in the 2020 presidential election), and *Brown v. WEC*, 2025 WI 5, ¶27, 414 Wis. 2d 601, 16 N.W.3d 619 (Ziegler, C.J., dissenting) (concluding that a voter had standing to challenge a Wisconsin Elections Commission decision regarding in-person absentee voting in the August 2022 primary election), *with Clarke v. WEC*, 2023 WI 79, ¶78, 410 Wis. 2d 1, 998 N.W.2d 370 (Ziegler, C.J., dissenting) ("This deal was sealed on election night. Four justices remap Wisconsin even though this constitutional responsibility is to occur every ten years, after a census, by the other two branches of government."), *and Priorities USA v. WEC*, 2024 WI 32, ¶52, 412 Wis. 2d 594, 8 N.W.3d 429 (Rebecca Grassl Bradley, J., dissenting) ("The same dissenters, joined by the newest member of the court, form a majority in this case to overrule *Teigen* [*v. WEC*, 2022 WI 64, 403 Wis. 2d 607, 976 N.W.2d 519], converting the *Teigen* dissent into the new majority opinion and holding absentee ballots may be delivered virtually anywhere a municipal clerk designates.").

[2] For example, in *Rabiebna v. Higher Educational Aids Board*, 2026 WI 20, 420 Wis. 2d 562, 36 N.W.3d 611, it was just over seven months between the date on which petition for review was filed (March 26, 2025) and the date on which we granted review (November 4, 2025).

[3] For example, in *Sierra Club v. DNR*, No. 2024AP673, the petition for review was filed on June 13, 2025, review was granted on February 12, 2026, and oral argument will be held on September 15, 2026; and in *State v. Osornio*, No. 2024AP2368-CR, the petition for review was filed

even though a case might be granted in the prior term, it may take the entirety of the next court term before the court's decision is released.[4] I would afford this petition the opportunity to be heard, in the ordinary course, as is usually the case.

Without question, the majority has prioritized the DNC's "ask" by ordering that any response to the petition for review, along with any proposed amicus briefs, be filed in less than a week. In so doing, it is kneecapping the depth and breadth of the legal issues that we should be analyzing when choosing whether to grant a petition for review. Acting outside of the standard court term (which begins after Labor Day and is complete by the end of June), the majority hand picks this cause over all others, many of which were timely filed and pose pressing, constitutional questions. Those matters will receive no special treatment; in fact, they will take a back seat to the majority's leapfrogging the DNC's political cause. We know not why this matter races to the front of the line. One would think further explanation would be forthcoming. One would think the majority would be more cautious to not appear to favor the political party that spent seemingly endless amounts of money to get them elected.[5] Instead, the power of the majority is wielded without explanation.

By rushing this order from origin to release in less than 24 hours, the majority also abandons any pretense of collegiality. It ignores longstanding court norms that would require further discussion. The majority's rush to proceed likewise prevents me from meaningfully responding further. Power allows this to occur, but power does not justify it.

Specifically, the DNC claims that we must expedite its appeal to provide "clarity" in light of "very likely . . . high turnout in unexpected places [on Election Day], creating circumstances that could threaten Wisconsinites' ability—and right—to vote." But, to reach a decision, not just on the petition for review, but also on the merits, in less than three months, would require an absurdly compressed briefing and oral argument schedule. The majority appears poised to tolerate this unworkable timeline, seemingly in

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on August 21, 2025, review was granted on May 20, 2026, and oral argument will be held October 6, 2026.

[4] For example, in *Friends of Frame Park v. City of Waukesha*, 2022 WI 57, 403 Wis. 2d 1, 976 N.W.2d 263, the petition for review was filed on October 15, 2020, the petition was granted on February 24, 2021, oral argument was held on September 9, 2021, and the opinion was issued on July 6, 2022.

[5] *See Bothfeld v. WEC*, No. 2026AP1168, unpublished order, ¶17 (Wis. June 11, 2026) (Bradley, J., dissenting) ("The Democratic Party bought multiple seats on this court to achieve yet another outcome unobtainable democratically." (footnote omitted)).

pursuit of partisan goals. The majority pushes this case to the front of the line, without explanation or consideration of pressing issues. The polling hours dispute stems from the 2024 presidential election. *Democratic Nat'l Comm. v. Boehm*, No. 2024AP2484, ¶¶52, 58, 69, __ Wis. 2d __, __ N.W.3d __ (rec. for publication).

To be clear, the provision at issue in the DNC's appeal, WIS. STAT. § 6.78(1m), states, "The polls at every election shall be open from 7 a.m. to 8 p.m." This statute has been in effect for two decades (and many elections), *see* 2005 Wis. Act 333, § 1r, but has seemed to produce few disputes. I would take the time to meaningfully consider all the arguments made for accepting this petition and not "fast track" it ahead of other cases. What might merit the majority's preference for the DNC's request, given that elections are held regularly in Wisconsin and the statute has been in place for decades, remains unexplained.

Yet, the majority accedes to the DNC's request, disregards the court's ordinary timelines, and instead expedites the DNC's cause. I express no views on the legal merits of the DNC's arguments, but I cannot allow my vote to appear in agreement with an order that flagrantly gives a political party preferential treatment, ahead of all others. Accordingly, I dissent.

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Samuel A. Christensen
Clerk of Supreme Court

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