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February 4, 2002

**BY MESSENGER**

Ms. Cornelia G. Clark  
Clerk of the Wisconsin Supreme Court  
110 E. Main Street, #215  
Madison, WI 53701-1688

**RECEIVED**

FEB 04 2002

CLERK OF SUPREME COURT  
OF WISCONSIN

**RE: Jensen, et al. v Wisconsin Elections Board, et al.**  
**Case No. 02-0057-0A**

Dear Ms. Clark:

Enclosed for filing, pursuant to Rule 809.14(1), is an original and 9 copies of a Response to Motion to File Instanter.

Copies of the enclosed are being hand-delivered to other counsel.

Very truly yours,

BOARDMAN LAW FIRM, LLP

By

A handwritten signature in black ink that reads "Michael P. May". The signature is fluid and cursive, with "Michael" on the top line and "P. May" on the bottom line.

Michael P. May

MPM:jw

Enclosures

cc: James E. Doyle/Thomas J. Balistreri (By Messenger)  
James R. Troupis/Gordon P. Giampietro (By Messenger)  
Brady C. Williamson, Jr. (By Messenger)  
Patrick J. Hodan (By U.S. Mail)  
Randall L. Nash (By U.S. Mail)  
Senator Charles J. Chvala (By Messenger)  
Representative Spencer Black (By Messenger)

STATE OF WISCONSIN  
SUPREME COURT

FILED  
FEB 04 2002  
Clerk of Supreme Court  
Madison, WI

SCOTT R. JENSEN, personally and as Speaker  
of the Wisconsin Assembly and  
MARY E. PANZER, personally and as  
Minority Leader of the Wisconsin Senate,  
Petitioners,

v.

WISCONSIN ELECTIONS BOARD, an  
independent agency of the State of Wisconsin;  
JERALYN WENDELBERGER, its chairman;  
and each of its members in his or her official  
capacity, DAVID HALBROOKS, R. J.  
JOHNSON, JOHN P. SAVAGE, JOHN C.  
SCHOBER, STEVEN V. PONTO, BRENDA  
LEWISON, CHRISTINE WISEMAN and  
KEVIN J. KENNEDY, its executive director,  
Respondents,

and

Case No. 02-0057-0A

State Senate Majority Leader CHARLES J.  
CHVALA, State Assembly Minority Leader  
SPENCER BLACK, WISCONSIN  
EDUCATION ASSOCIATION COUNCIL,  
a voluntary association, STAN JOHNSON, its  
elected president, and several of its members,  
TOMMIE LEE GLENN, PAUL  
HAMBLETON, and DIANE CATLIN LANG,  
Intervenors-Respondents.

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**RESPONSE TO MOTION TO FILE INSTANTER**

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Pursuant to Rule 809.14(1), Intervenors-Respondents Charles J. Chvala and Spencer Black, file the following Response to the Motion to File, Instanter, of Reply of Petitioners to Response of Intervenor-Respondents to Petition for Leave to Commence an Original Action (Attachment A) and Petitioners' Second Supplemental Appendix (Attachment B) filed on behalf of Petitioners Jensen and Panzer.

Intervenors-Respondents have no objection to the filing of the materials presented. Intervenors-Respondents note the following:

1. Based on the materials submitted, it appears that the procedure utilized in 1964 required a total time of eleven (11) months (June, 1963 - May, 1964) from the Supreme Court decision to grant the petition for original jurisdiction to completion of a valid redistricting plan.
2. Based on the materials submitted by Petitioners regarding the 1964 case, it appears that the plans submitted to the Court in 1963 and 1964 had already been subject to introduction, discussion and hearing in the legislative process and were submitted over several months. In contrast to the 1964 situation, parties in this case will need to develop, submit, and try facts regarding redistricting plans in a two-month period.

3. Intervenors-Respondents Chvala and Black strongly urge the Court not to accept jurisdiction based on a proposal to use a template from 40 years ago as a model for determining redistricting issues in the twenty-first century. The 1964 procedure did not accord the parties a right to trial as developed over the past four decades, was at the infancy of a constitutional right of action for one person/one vote, was prior to Reynolds v. Sims, and was prior to the passage of the Voting Rights Act of 1965.

Dated this 4th day of February, 2002.

BOARDMAN, SUHR, CURRY & FIELD LLP

By



Michael P. May, State Bar No. 1011610

James E. Bartzen, State Bar No. 1003047

Sarah A. Zylstra, State Bar No. 1033159

Attorneys for Intervenor-Respondents

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