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**FILED**  
**08-22-2024**  
**CLERK OF WISCONSIN**  
**SUPREME COURT**

August 22, 2024

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You are hereby notified that the Court has entered the following order:

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No. 2024AP1643-OA      Strange v. Wisconsin Elections Comm'n

A petition for leave to commence an original action under Wis. Stat. § (Rule) 809.70 having been filed on behalf of petitioner, David Strange, individually and as Deputy Operations Director-Wisconsin for the Democratic National Committee;

IT IS ORDERED that respondents, (1) Wisconsin Elections Commission (WEC); (2) Megan Wolfe, in her official capacity as Administrator of WEC; (3-8) Don Millis, Robert Spindell, Jr., Marge Bostelmann, Ann Jacobs, Mark Thomsen, and Carrie Riepl, in their official capacities as Commissioners of WEC; and (9) the Wisconsin Green Party, shall file one or more responses to the petition by 5:00 p.m. on August 23, 2024; 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 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 concerning the nature of non-parties who

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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 no later than 5:00 p.m. on August 23, 2024. 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.

REBECCA GRASSL BRADLEY, J. (*dissenting*). Upon receiving an original action petition, the court typically orders the respondents to file a response unless the petition lacks merit or the matter is inappropriate for an original action. The majority treats this matter differently, bending over backwards to expedite the court's consideration of this case. Petitioner, an employee of the Democratic National Committee (DNC), filed this original action on Monday, served the Wisconsin Elections Commission (WEC) on Tuesday, and served the Wisconsin Green Party just yesterday. Earlier today, the majority ordered the DNC to "provide this court, in writing, with the name, physical address, and email address of an attorney or other representative of each respondent who is authorized to accept service of orders issued by this court." Now the majority orders WEC and the Wisconsin Green Party to file a response to the petition—tomorrow. To my knowledge, at no time in history has the court issued such orders before parties had made their appearances or retained lawyers. While WEC has the Department of Justice for counsel, nothing in the record suggests the Wisconsin Green Party has even retained counsel yet.

This is not the first time the current majority has imposed ridiculous deadlines on parties for the purpose of expediting politically charged cases; the majority most egregiously refused to accommodate the religious observances of attorneys representing various parties in Clarke v. Wisconsin Elections Comm'n, 2023 WI 79, 410 Wis. 2d 1, 998 N.W.2d 370, the majority's redistricting redux. The majority's newly minted Internal Operating Procedures substantially shortened the deadlines for separate writings to facilitate speedy review of just this sort of politically charged case: "If a majority of the participating members of the court votes to order a response, a draft order for a response shall be circulated. Any initial concurrence or dissent to such an order shall be circulated either within 2 business days of the circulation of the draft order for a response . . . ." Wis. S. Ct. IOP IV.B.3. (June 28, 2024). Even the majority's absurd deadlines will not suffice this time, so they abandon them, forcing this dissent to be circulated and released in less than 24 hours. This is not the way courts of justice operate. Because I would treat this case like any other, I dissent.

I am authorized to state that Chief Justice ANNETTE KINGSLAND ZIEGLER joins this dissent.

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Samuel A. Christensen  
Clerk of Supreme Court