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DISTRICT IV/II

March 28, 2018

To:

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

2018XX452

Robert Dallas Newton, Jr. v. Scott Walker (L.C. # 2018CV519)

Before Reilly, P.J.

Governor Scott Walker moves for relief pending appeal. Specifically, he asks for an order temporarily preserving the status quo of the case for eight days.

When presented with a motion for relief pending appeal where, as here, the circuit court has already denied it, this court must review the circuit court's decision under an erroneous exercise of discretion standard. See *State v. Gudenschwager*, 191 Wis. 2d 431, 439, 529

N.W.2d 225 (1995). We are not persuaded that the motion demonstrates an erroneous exercise of discretion by the circuit court. Further, we also observe that the Governor's rationale that we delay "his obligation to issue the call for special elections" (Governor's Emergency Motion at 3) for eight days so the legislature can change the law and render moot this lawsuit is not for us or for the Governor to decide; the Governor understands he has an obligation to follow the law as do we and we know of no law that allows us to disregard the clear mandate of WIS. STAT. § 8.50(4)(d). We also disagree with the Governor's assertion that the special elections "are an unnecessary waste of taxpayer resources and confusing to voters" (Governor's Emergency Motion at 2). Representative government and the election of our representatives are never "unnecessary," never a "waste of taxpayer resources," and the calling of the special elections are as the Governor acknowledges, his "obligation" to follow by virtue of § 8.50(4)(d). Therefore,

IT IS ORDERED that the motion for relief pending appeal is denied.

Sheila T. Reiff
Clerk of Court of Appeals