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August 5, 2019

To:

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

No. 2019AP1376-OA Bartlett v. Evers

On July 31, 2019, a petition for leave to commence an original action under Wis. Stat. § (Rule) 809.70 and a supporting legal memorandum were filed on behalf of petitioners, Nancy Bartlett, Richard Bowers, Jr., and Ted Keneklis. The petition alleges that the Governor's partial vetoes of certain provisions in 2019 Wisconsin Act 9 (Act 9 or the biennial budget act) are unconstitutional. The petition provides four examples of partial vetoes that the petitioners allege are unconstitutional. In order to allow the respondents to submit more complete responses to the petition and in order to assist the court in deciding whether to grant leave to commence an original action, and consistent with the court's procedure in previous original actions, the court is directing the petitioners to file an amended petition in the form of a complaint that lists each of the partial vetoes that the petitioners seek to challenge in an original action, to specify the bases for the challenge to each partial veto, and to specify the relief sought for each challenge. The court is also directing the respondents to file a joint response or separate responses, in the form of an answer, to the amended petition. Finally, the court is requiring the parties to file a stipulation of facts and a statement or statements describing any disputes of fact. Accordingly,

IT IS ORDERED that, on or before August 19, 2019, the petitioners shall file an amended petition in the form of a complaint containing numbered paragraphs and a prayer for relief that lists the precise relief sought. In addition to alleging specific facts necessary to understand the petitioner's claims, the amended petition shall identify, by section of Act 9 and statutory section number, each veto that the petitioners seek to challenge and shall set forth the language of that specific section, as passed by the Wisconsin Legislature, and shall show the portions of the section vetoed by the Governor. For each challenged veto, the amended petition

shall identify the specific constitutional provision or constitutional doctrine that the partial veto is alleged to violate and shall contain a short statement of the petitioner's claim regarding the constitutionality of that partial veto. In addition, for each challenged veto, the amended petition shall set forth the specific relief that the petitioners seek.

IT IS FURTHER ORDERED that, within 20 days of the filing of the amended petition, the respondents, Tony Evers, in his official capacity as Governor of the State of Wisconsin, Joel Brennan, in his official capacity as Secretary of the Wisconsin Department of Administration, the Wisconsin Department of Administration, Craig Thompson, in his official capacity as Secretary of the Wisconsin Department of Transportation, the Wisconsin Department of Transportation, Peter Barca, in his official capacity as Secretary of the Wisconsin Department of Revenue, and the Wisconsin Department of Revenue, shall file a joint response or separate responses to the amended petition, in the form of an answer. The respondents may also file a memorandum or separate memoranda in support of their response.

IT IS FURTHER ORDERED that, within 14 days after the filing of the last response, the parties shall file a stipulation of all relevant facts and a joint statement or separate statements that specify what factual issues are in dispute and how those disputed factual issues are relevant to the legal issues set forth in the amended petition.

Sheila T. Reiff
Clerk of Supreme Court