



November 28, 2020

Wisconsin Supreme Court
% Clerk of the Wisconsin Supreme Court
P.O. Box 1688
Madison, WI 53701-1688
SENT VIA EMAIL TO: clerk@wicourts.gov

RE: PROPOSED AMENDMENT TO WIS.STAT. SEC. 809.70; ORIGINAL JURISDICTION

Dear Honorable Justices of the Wisconsin Supreme Court,

On behalf of the League of Women Voters of Milwaukee County, a nonpartisan organization. Forty years ago, the League adopted a position in support of the establishment an independent commission or the designation of such an agency to be responsible for the development of a legislative and Congressional redistricting plan. The League also supports citizen participation and access throughout the redistricting process.

The League urges the Court to deny the Petition for Proposed Rule to Amend Wis. Stat. Sec. 809.70. The Petitioner's proposal should fail for the following reasons:

1. The proposed rule change vests powers and duties in this court that currently belong to the state legislature. Seizing these powers and responsibilities under the guise of "divided government," as an administrative rule change, grossly violates the separation of powers with our constitutional framework. The creation of fair voting districts dramatically impacts the quality of democracy in our state and should be accomplished with transparency and neutrality. While ideally done by nonpartisan, neutral boards, the court's proper role is as adjudicator of fairness rather than creator of the map.
2. The court has previously indicated that the State Supreme Court is the proper place to resolve disputes regarding the fairness of districts. The court can not both design the districts and adjudicate the fairness of its own work.
3. The proposed rule change fails to set forth standards by which such districts would be created and what criteria must be met that define fairness. There are no rules for guidance upon which the court would rely; e.g. there are no guidelines for selecting

- a fact finder. All procedures remain vague so that citizens have no notice how significant decisions are made or how to participate or voice opposition.
4. The proposal severely curtails intervention by community groups, allowing participation as a matter of right only to the legislature, the governor and political parties.
 5. All redistricting disputes must be filed with the State Supreme Court, bypassing input from lower courts and federal courts entirely. Since a case may be filed before a dispute even arises, the legislature is entirely relieved of its duty to redistrict and any attempt to compromise with a governor of a different party. Again, under the cloak of "divided government," the duties of the legislature are thrown aside.
 6. The most dangerous aspect of the recommended rule change is that all process or rules used to create districts may be disregarded. The Petitioner seeks to create extraordinary power within the court that it may use without restraint or limit yet be its own adjudicator of its fairness.

For the above reasons, we urge the court to reject the proposed rule change.

Sincerely,

A handwritten signature in cursive script that reads "Peggy Creer".

Peggy Creer, president