

SUPREME COURT OF WISCONSIN

No. 02-03 AMENDED ORDER

In the matter of the adoption of
procedures for original action cases
involving state legislative redistricting

FILED

JUL 30, 2002

Cornelia G. Clark
Clerk of Supreme Court
Madison, WI

This matter comes before the court on its own motion. On February 12, 2002, the court issued an opinion in an original action case, number 02-0057-OA, Jensen et al. v. Wisconsin Elections Bd. et al., which involved state legislative redistricting. The court stated that "to assure the availability of a forum in this court for future redistricting disputes, we will initiate rulemaking proceedings regarding procedures for original jurisdiction in redistricting cases." The court indicated new procedures could include "provisions governing factfinding (by a commission or panel of special masters or otherwise); opportunity for public hearing and comment on proposed redistricting plans; established timetables for the factfinder, the public and the court to act; and if possible, measures by which to avoid the sort of federal-state court 'forum shopping' conflict presented [in this case]." Jensen et al. v. Wisconsin Elections Bd. et al., 2002 WI 13, ¶24, 249 Wis.2d 706, 639 N.W.2d 537. The court noted the procedures for addressing redistricting disputes implemented by

the California Supreme Court. Id. at ¶24 & n.8 (citing Wilson v. Eu, 816 P.2d 1306, 1307 (Cal. 1991)); see also Legislature v. Reinecke, 507 P.2d 626 (Cal. 1973). The court emphasized that "redistricting remains an inherently political and legislative—not judicial—task." Jensen, 2002 WI 13, at ¶10.

IT IS ORDERED that a public hearing on this matter shall be held in the Supreme Court Room in the State Capitol, Madison, Wisconsin, on Monday, October 14, 2002, at 9:30 a.m.

IT IS FURTHER ORDERED that comments on the matters set forth herein be filed in writing, with eight copies, with the Clerk of the Supreme Court, 110 East Main Street, Suite 215, Madison, Wisconsin 53703, on or before Monday, October 7, 2002.

IT IS FURTHER ORDERED that the court's conference in the matter shall be held promptly following the public hearing. Following the court's conference, the court intends that a draft of proposed procedures for original jurisdiction in redistricting cases be prepared. The draft of proposed procedures will be based on the comments made at the hearing on October 14, the written submissions, and other material on the subject available to the court. The court plans to then circulate the draft and invite persons and organizations having interest and experience in the matter to comment on the draft. The court will consider comments filed in response to the publication of the draft of proposed procedures and plans to hold a public hearing on the draft (and any revisions thereto) in the winter of 2002-2003.

IT IS FURTHER ORDERED that notice of the hearing be given by publication of a copy of this order and of the petition in the official state newspaper once each week for three consecutive weeks and in an official publication of the State Bar of Wisconsin not more than 60 days nor less than 30 days before the date of the hearing.

Dated at Madison, Wisconsin, this 30th day of July, 2002.

BY THE COURT:

Cornelia G. Clark
Clerk of Supreme Court

