

-AMENDED-
Comments regarding redistricting rule petition
Submitted to Wisconsin Supreme Court

On Monday, November 30, 2020, the Wisconsin Fair Maps Coalition submitted over 1,900 comments compiled from citizens across Wisconsin regarding rule petition 20-03 to the Supreme Court.

Unfortunately, due to a data export error, some of the comments we delivered appeared as a series of symbols and numbers. Please accept the attached 43 amended comments, which appeared as a series of symbols and numbers in our original submission

December 22, 2020

Richard Adamski
W2348 Hofa Park Rd
Seymour, WI 54165

November 22, 2020

I am writing to implore the Wisconsin Supreme Court to reject Rule Petition 20-03 regarding litigation of redistricting maps. I oppose the adoption of this rule because the petitioners do not address the problem that they claim to address. They claim that Federal courts are not qualified to solve the litigation of a state issue. This petition does nothing to reduce the probability of redistricting being decided by the courts instead of by our state legislature. Our state legislature is not interested in negotiating with the Governor. They have not demonstrated any attempt to resolve their differences with the Governor during a worldwide pandemic. I doubt that they are interested in working with the Governor on a redistricting map if an easier solution is provided to them.

It is obvious to most Wisconsinites that all political decisions are hyper partisan and reasonable consideration is a secondary deciding factor. It appears that opinions and power to act are more important than facts. We are aware that the Wisconsin Supreme Court is very politically influenced. You were all elected and you all ran very partisan campaigns. It is disingenuous to claim that you can review and act upon these redistricting cases in an objective manner.

This petition further erodes public transparency and participation in this process. Although the petitioners only reference redistricting years when there were different parties controlling the state legislature and the Governor's mansion, they make no reference to the problems caused when one party controlled both in 2011. Wisconsin must never again allow elected officials of one party to draw redistricting boundaries ever again. We must diligently work to involve more people in drawing maps that follow jurisdictional boundaries; like county lines, village and city boundaries to reduce constituent confusion. To allow only the legislators and the political parties is a major step backwards. We want and need more transparency and opportunity to participate in this process.

Please reject this backward attempt at blocking citizen participation in this important process.

Sincerely,

Richard C. Adamski

Barbara Arnst
1398 126th Street
New Richmond, WI 54017

November 21, 2020

As a resident of St. Croix County in Wisconsin, and one who voted in favor of Fair Maps, I am opposed to the proposed rule changes brought by Scott Jensen and Wisconsin Institute for Law & Liberty, regarding redistricting in Wisconsin. Our county along with more than 53 other Wisconsin counties, passed fair maps referenda and resolutions. The majority of the people of Wisconsin want fair maps! This is not a partisan issue!

It has been reported that Wisconsin is the most gerrymandered state in the country. Because of this, representatives currently are free from election day accountability. We need to change that! Voters should choose their representatives, not the other way around. Don't let the WI GOP ignore the wishes of the voters of Wisconsin!

Stop gerrymandering! Do not allow the proposed rule changes to go through. Changing the rules in this way will harmfully politicize the Court, exclude nonpartisan groups from full participation and will have insufficient transparency measures. Nonpartisan groups like unions and organizations like the League of Women Voters must be allowed to participate in the process. The State Supreme Court should not be granted jurisdiction, bypassing lower court reviews, and the Court should not be given the option of making procedures optional.

Follow the wishes of the majority of Wisconsin citizens, including me, and do not allow the proposed rule changes to go through. We need a level playing field. Redistricting needs to follow a process that is completely fair and nonpartisan. The facts and viewpoints necessary for a full and appropriate legal review must be heard. Wisconsin needs to become a much more fair state regarding maps!

Thank you,

Barbara Arnst

Vicki Aro-Schackmuth
920 S Imperial Dr
Hartland, WI 53029

November 17, 2020

Wisconsin Supreme Court,

My name is Vicki Aro-Schackmuth, I am a resident of Hartland, WI, Congressional District 5 and Assembly District 99. I am submitting personal comments on my opposition to the proposed rule change to Wisconsin Statute 809.70 from Scott Jensen and Wisconsin Institute for Law and Liberty. I oppose the rule change to Wisconsin Statute 809.70 because:

1. There is an adequate alternative remedy to the Supreme Court. Three of the past four Wisconsin redistricting maps have been drawn by the Courts following a full judicial process. Justice is best served when a full and complete process takes place. Justice should be done and be seen to be done.
2. This petition for rule change does not cure the issue remaining in the Court. Quite opposite, it creates additional issues for the court. The rules making process will remain in question.
3. There will be a potential appearance of politicizing the Court. Inserting itself in this area of partisan conflict so early in the process, and so thoroughly that the Court is necessarily going to decide where the district lines wind up, threatens to give the impression the Court is a political branch rather than a neutral referee. As elected officials, there may be an appearance of self-interest as opposed to neutrality in adopting this rule.
4. Gov. Tony Evers created an advisory redistricting commission (January 27, 2020) to prepare congressional and state legislative district plans for consideration by the state legislature. If these commission maps are not considered in Court, the case will lack critical evidence. These maps will be drawn following strict bi-partisan criteria to make sure the electorate receives fair representation through a transparent process. This commission reduces the need for litigation regarding redistricting maps. These commission proposed maps will be created using the following criteria:
 1. "Be free from partisan bias and partisan advantage"
 2. "Avoid diluting or diminishing minority votes, including through the practices of 'packing' or 'cracking'"
 3. "Be compact and contiguous"
 4. "Avoid splitting wards and municipalities"
 5. "Retain the core population in each district"
 6. "Maintain traditional communities of interest"
 7. "Prevent voter disenfranchisement"
5. The proposed rule only considers partisan interests. While political parties would be given automatic standing to present maps before the Court, non-partisan groups and voters impacted by the new districts may be excluded under the proposed rule.
6. The petition was written by a conservative group who only has their interests represented in the rule. The entire electorate is not being represented by this rule change. This exclusion violates the Constitution's intent of one person, one vote.
7. The rule change if adopted would allow the Court to disregard the processes and requirements set forth in the rule itself, setting up the potential for an unfair process.

Thank you for considering my objections.

Sincerely,

Vicki Aro-Schackmuth

Richard Bechen
683 Ridge View Lane
Oregon, WI 53575

November 22, 2020

Dear Supreme Court Justices,

Regarding the Scott Jenson, Wisconsin Institute for Law and Liberty request for a rule change to send all litigation over redistricting directly to the Supreme Court.

This was a bad idea when it was previously proposed years ago and it's a bad idea now. The Justices who voted against this terrible idea previously should vote against it now.

The court already looks too politically slanted and excluding lower court fact finding would not improve that perception. Please vote against this proposed rule change.

Congressional District 8 Fair Maps Team
815 East Washington Street
Appleton, WI 54911

November 20, 2020

We represent a group of citizens who are working on creating a system to draw nonpartisan legislative districts. We have been working with the counties throughout Congressional District 8 in northeast Wisconsin. Members of our group live in multiple locations in this region from the tip of Door County to Calumet County which is the southernmost part of the district.

As a group, we have been working to support the creation of non-partisan legislative maps to make sure the voices of the people of Wisconsin are heard and heeded by the legislators. With the current gerrymandered maps, legislators can ignore many voters in their districts because their re-elections are assured by the way their districts are drawn. The principle of one person / one vote is undermined by the current legislative maps.

Wisconsin has become extremely gerrymandered through the redistricting that occurred in 2011. We do not support what happened then, and we demand that future maps be structured fairly to create competitive legislative districts. We are contacting you, as the Wisconsin Supreme Court, to ask that you not approve the Petition for Proposed Rule to Amend Wis. Statute 809.70 (Relating to Original Actions) and numbered 20-03. This proposed rule change would alter how the court process for hearing a redistricting case takes place. We believe that the proposed change in the rules would cause further harm to the citizens of Wisconsin by denying them a voice in the process.

The proposed rule change would require discussion and adjudication on lawsuits pertaining to changes in legislative maps to go directly to the Wisconsin Supreme Court. This change would throw a dark shroud over what should be clear, open citizen involvement. It would allow only political parties standing to testify, yet stifle the ability of other entities, such as unions and other nonprofit citizen organizations.

The proposed rule gives the Court the option to disregard the procedures and rules observed in past cycles of redistricting. It has no place in a modern, transparent democratic process. Previous Wisconsin Supreme Courts have supported the current process and denied this exact rule change in 2003. This change in process is therefore difficult to explain or justify.

This consideration of this petition is being rushed. A decision that will so radically affect and go against the stated (through voting on referenda) desires of on average 2/3 of state's citizens should be undertaken with deliberation and considerable citizen discussion and testimony.

Considering the overwhelming majority of Wisconsin citizens support a nonpartisan process for creating maps and have expressed a desire to be involved in the process, this proposed rule change absolutely undermines citizens confidence in our Wisconsin Supreme Court as a nonpartisan, legitimate arbiter of judicial questions and concerns and will surely lead to an erosion of public trust in the fairness of the Court.

As a group of concerned citizens who feel that our Wisconsin Constitution really means it when it says in Article I: Section 1:

“All people are born equally free and independent, and have certain inherent rights; among these are life, liberty and the pursuit of happiness; to secure these rights, governments are instituted, deriving their just powers from the consent of the governed.”

And in Article I: Section 3:

“Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right, and no laws shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libel, the truth may be given in evidence, and if it appears to the jury that the matter charged as libelous be true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and fact.”

Based on these statements in our Wisconsin Constitution and your role as a Supreme Court Justice to uphold this constitution, we respectfully ask that you not approve of this proposed rule change and allow the current longstanding and supported process to stay in place.

Thank you for your thoughtful consideration,

Linda Bjella
Barbara Brown
Penny Bernard Schaber
Mary Kay Baum
Sher Brandl
Judy Brodd
Mike Brodd
Justice Peche
Anthony Phillips
Sara Rameker
Abbey Rhodes
Jean Sweetland
Anneliese Waggoner

Hans Breitenmoser
W6945 Joe Snow Rd
Merrill, WI 54452

November 22, 2020

To Honorable Justices of the Wisconsin Supreme Court

We the undersigned County Board Supervisors write to comment regarding the Petition for Proposed Rule to Amend Sec. 809.70 Stats. (Rule Petition 20-03).

1. This proposed new rule would only apply to the Redistricting issue. In other words, it short circuits the standard judicial processes, and thereby deprives citizens of the opportunity to use the full judicial process to call witnesses, present evidence, and build a record for the state Supreme Court to consider. It does this by saying the redistricting litigation will be filed directly in the state Supreme Court, skipping over the local courts and the court of appeals.

2. This proposed new rule gives participation rights to the 2 major state political parties: the Republican Party and the Democratic Party. Why should that be? What about other political parties? Independents?

Local and statewide organizations and unions both public and private? Why should those legitimate groups of citizens be precluded from having their voices heard in this judicial process of reviewing redistricting proposals? On what basis are the two major political parties given special rights beyond any other persons or entities?

3. This is a flagrant attempt to foreclose public participation in a fundamental aspect of our democracy.

4. Foreclosing public participation in something as central as the creation of voting districts is a form of voter suppression.

5. This proposed rule creates such a narrow pathway to court review that it denies due process and access to justice to everyone except the two major political parties.

6. This proposed rule undermines the integrity of our participatory system of good government.

7. A rule such as proposed Rule 20-03 would dramatically damage our citizen's perception of government accountability and public integrity.

8. Specifically including the rights of two major political parties to participate in the review process set up by this proposed rule, while denying that same right of process to all other parties is flawed under the Constitution's guarantee of Equal Protection and Due Process. Though the interests of the Republican Party and the Democratic Party may be real, so may be the interests of many other parties, political and otherwise. To single out those two for special protection under a Supreme Court rule is to deny both equal protection and due process rights to all others.

Kriss Marion, Lafayette County Supervisor District 8

Bryce Luchterhand, Clark County Supervisor District 10

Tom Quinn, Dunn County Supervisor District 9

Amanda Chu, Brown County Supervisor District 3

Jake Hahn, Wood County Supervisor District 8

Hans Breitenmoser, Lincoln County Supervisor District 11

Paul Gilk, Lincoln County Board Supervisor District 12

Patricia Voermans, Lincoln County Supervisor District 18

Julie Allen, Lincoln County Supervisor District 19

Kevin Koth, Lincoln County Supervisor District 17

Door County Fair Maps Task Force
2182 Seaquist Road
Sister Bay, WI 54234

November 20, 2020

Wisconsin Supreme Court

Regarding Rule Petition 20-03 relating to legal challenges to redistricting

To Whom it may concern:

My name is Michael Brodd, I reside at 2182 Seaquist Road Sister Bay, Wisconsin. I am writing to you in my capacity as the Chairperson of the Door County Fair Maps Task Force, a nonpartisan citizen group which, recently was instrumental in getting a nonpartisan redistricting referendum on the November 2020 ballot in Door County. The referendum passed with 73.6% nonpartisan citizen support. I am writing on behalf of the Task Force members listed at the bottom of this letter. We have met, discussed, and agreed upon the contents of this document. It represents the point of view of the full Door County Fair Maps Task Force.

We wish to express the following concerns and to urge the Court to not adopt this rule change.

1. The exclusion of lower courts from this process reduces transparency thereby reducing public awareness of our government's actions. Lower courts exist for a reason. They should not be arbitrarily disabused of their involvement in such a critical decision. Lower courts provide a valuable opportunity for the introduction of relevant testimony and evidence in the case be deliberated. The elimination of these courts directly reduces the opportunity for citizens to participate in their government via a legitimate and fair process.
2. The public is excluded from the process. The first three words of the Wisconsin Constitution are "We the people"; not "We the legislature" or "We the Republican and Democratic Parties". The government of the State of Wisconsin exists for and derives its power and authority from, the people of the state. The Door County Fair Maps Task Force is a grassroots, citizen based, nonpartisan group. We have been promoting the preservation of our democracy for over two years. We believe we have a legitimate voice and deserve to (and have the right to) be heard on redistricting, which has as its foundation, concern for the equitable and fair franchise of "we the people" of the State of Wisconsin. This rule change exacerbates disenfranchisement and underscores our position that our fragile democracy is under threat. Redistricting is a complex and critically important element of the democratic process. It should not be truncated and rushed. The transparency of redistricting is essential to a legitimate democratic process. This rule needlessly and wrongly rushes this process.

3. The requested rule change specifically requires that only the political parties can be heard by the Court in any dispute over redistricting maps. The very need for a statewide campaign to create a nonpartisan redistricting process is dramatically underscored by this rule's insistence that only the voices of partisan political parties can be heard in cases concerning redistricting. The People's Maps Commission created by the Governor to study the redistricting process and to propose, for ratification by the legislature, nonpartisan redistricting maps would be excluded from being heard by the courts if this rule is in force. The intentions of the rule change proponents could not be clearer. As voting citizens of this state, we do not understand why we would not have an opportunity to express our points of view in legal proceedings concerning the value of our votes. Talk about the fox guarding the hen house! Nonpartisan citizen voices have voted overwhelmingly to eliminate partisan deal-making from the redistricting process. This rule shines a bright light directly on that problem and needlessly politicizes the Supreme Court directly in the face of 28 County and several more municipal referenda that by consistently wide margins have called for the depoliticization of the redistricting process.

4. Bizarrely, the request would allow the Court to disregard the rule itself and to therefore have no rules concerning this matter. Imagine a game in which one team complains about the rules and wants them changed, but also tells the officials that if they prefer, the game can be played with no rules at all. Three strikes? Naw, let's just decide on a batter by batter basis. Let's decide who the designated driver is going to be later in the evening. This is nonsense; we believe The Court knows better than to let such a provision prevail.

5. Finally, in 2009 the Wisconsin Supreme Court decided against making rule changes such as this one. It is not at all clear why this rule would suddenly be exempt from that Court's adopted policy of 2009.

Thank you for reading and considering our concerns about this proposed rule change.
The Door County Fair Maps Task Force

Mike Brodd (Chairperson)
mike@seaquistbayshore.com
2182 Seaquist Rd
Sister Bay, WI 54234

Karen Wilson
jokawi@gmail.com
8391 Island View Rd
Fish Creek, WI 54212

Barbara Sajna
bsajna@frontier.com
2100 Ridges Rd
Baileys Harbor, WI 54202

Glenna Peters
sgpllc@hotmail.com
11663 Beach Haven In
Sister Bay, WI 54234

Judy Brodd
judy@thelittlecottage.com
2182 Seaquist Rd
Sister Bay, WI 54234

Rick Nelson
ricknelson1199@gmail.com
8363 Island View Rd
Fish Creek, WI 54212

JoAnne Morris
Joannemorris6@gmail.com
10768 Pheasant Court
Sister Bay, WI 54234

Chuck Lauter
lauterc@hotmail.com
3092 Gibraltar Rd
Fish Creek, WI 54212

Renee Fiedler
Fiedler.feneec@gmail.com
Sister Bay, WI 54234

Stefan Peters
sgpllc@hotmail.com
11663 Beach Haven Ln
Sister Bay, WI 54234

Lynn Mercurio
lynnmercurio@outlook.com
3333 Gibraltar Rd
Fish Creek, WI 54212

Jim Black
Jblackjd85@gmail.com
11317 Beach Rd
Sister Bay, WI 54234

Estella Lauter
Estella.lauter@gmail.com
3092 Gibraltar Rd
Fish Creek, WI 54212

Pat Scieszinski
1218 Texas
Sturgeon Bay, WI 24235

Bridget Brown
1619 Madison Street
La Crosse, WI 54601

November 22, 2020

I am writing in support of more transparent, independent, and nonpartisan redistricting in Wisconsin, which the majority of the state's citizens want, as evidenced by referendums and resolutions passed. Please do not pass any redistricting rules that would work against these goals.

Elizabeth Bruckbauer
118 N Breese Terrace, Unit J
Madison, WI 53726

November 21, 2020

I am respectfully writing the Court in regard to Rule Petition 20-03; relating to legal challenges to redistricting

In the recent election, communities around Wisconsin passed 11 county and 4 municipal referenda in favor of creating Fair Maps. The smallest margin by which a Fair Maps referendum passed in this election was 57%. The passage of these recent initiatives brings to a total of 55 (out of our total of 72 counties) that have passed Fair Maps initiatives. And yet, to date the legislature has refused even to take up such a Fair Maps measure. The overwhelming will of the people has been shunted aside in favor of partisan mapping. Both major political parties have tried to rig the system in their favor and it's the people, us, who are hurt because our voices have become irrelevant.

With this proposed WILL/Jensen rule change, only political parties and state entities would be granted input in the case of contested redistricting. In Wisconsin's current system, political party in power at the time of redistricting and having the majority legislative status is able to decide the state maps with no other input. At times, as in the last redistricting, this was decided in secrecy, with no notice to other parties or to the public for input. The result is that Wisconsin is one of the most gerrymandered states in the United States.

Partisan political parties ought not be the only voices in the room. In fact, politics should be taken out of redistricting and the process changed to a non-partisan one, as is done elsewhere in the USA. This current proposed rule change does just the opposite. It allows automatic standing only to political parties. Should lawsuits arise concerning redistricting this rule would send any conflict directly to the Supreme Court without any chance for community and individual citizens to give input. This is wrongheaded, partisan and undermines voters rights. This rule proposal exacerbates rather than remediates the partisan nature of redistricting in Wisconsin.

The Court's current perception is as an even handed and fair Court that supports the rights of all voters in our state. Do not tarnish it's role by enacting this rule which would taint it with partisanship. Please uphold the Supreme Court's current perception as it is.

Delivering any litigation regarding redistricting directly to the Supreme Court does not allow for the normal process by which other courts perform fact finding and collecting evidence and thus create a record. The Supreme Court does not typically perform these functions and there is no reason that it should.

Thanks for your time. The public awaits your decision.

Timothy Cordon
205 N 6th Street
Madison, WI 53704

November 22, 2020

Public Comment on Petition 20-03
To Wisconsin Supreme Court Justices

On behalf of the Board members, staff and volunteers of the nonprofit Wisconsin Network of Peace and Justice, Inc. we officers make our Public Comment opposing the adoption of the Rules Petition submitted by Scott Jensen and the Wisconsin Institute for Law and Liberty (WILL).

As an organization we continue a long history of working for civil rights, voter engagement and social justice. It is these values that bring us to strongly oppose adoption of the Rules Petition that reduces voter rights in Wisconsin.

Petition 20-03 would prohibit a voter from taking a court claim on redistricting anywhere but directly to the Wisconsin Supreme Court. This means there can be no fact finding in lower level State courts. This also means plaintiff(s) cannot seek redress in Federal Court which has a long history of handling voter rights cases.

Therefore the process proposed in the Petition 20-03 imposes unnecessary and arbitrary limits on citizens' right to petition, rights that are clearly guaranteed in Article 1 Section 4 of the Wisconsin Constitution. "The right of the people peaceably to assemble, to consult for the common good, and to petition the government, or any department thereof, shall never be abridged."

So why does WILL propose this process? WILL expresses its intent in its Memorandum of Support. It says that "procedural efficiency" is its purpose. Basically the redistricting process will get done more quickly and efficiently if WI Supreme Court names itself as the sole and final arbiter of all redistricting disputes right from the moment the census figures are due to the states.

Every ten year redistricting is essential to the principle of one person / one vote in which each person's vote has, as nearly as practicable, equivalent weight in determining the outcome of our elections. WILL's proposed path toward presumed efficiency in redistricting ends up destroying the purpose of the redistricting in the first place. When citizens see they are left out of the process and do not have a fair shot when they vote, their trust in democracy is eroded. Their one person / one vote power is significantly reduced.

The petition reads also that the Governor, either or both branches of the Legislature and political parties shall be granted intervention as of right in any case brought regarding redistricting. However, there is no mention of guaranteeing similar rights to impacted citizens, non-partisan local elected officials and communities in decisions that will impact them profoundly for decades.

This rule, if enacted, will reinforce the growing realization that partisan politics, hefty judicial campaign donations and ideology reign high in our court system. We ask that the Wisconsin Supreme Court reject this petition that unfairly reduces court access, transparency and voter rights.

Timothy Cordon, Chair of Wisconsin Network for Peace and Justice, Inc.
205 N 6th Street, Madison, WI 53704 timc@fusmadison.org

Mary Kay Baum, Secretary of Wisconsin Network for Peace and Justice, Inc.
201 Dougherty Court, Ridgeway WI 53582 marykbaum@gmail.com

EileenDeGuire
6054 N Kent Ave
Whitefish Bay, WI 53217

November 23, 2020

As an informed and engaged citizen, there are a few key constitutional principles that I believe need to be upheld:

- Equal protection under the law
- One person, one vote
- A nonpartisan judiciary that balances and protects the needs of all citizens

Redistricting is a primary example of the importance of all of these principles and it should never be rushed. Public confidence in government depends on an open and transparent process, and requires that we allow full participation of citizens, whether that be through the legislature or a nonpartisan organization.

In 2009, after several years of exhaustive study, the Wisconsin Supreme Court decided against making a rule change such as the one currently proposed.

Adopting this rule risks increased politicization of the Court and a decrease in citizens' trust in it. Public interest in redistricting is at an all-time high in Wisconsin. This is not a time to exclude public testimony, when 54 of Wisconsin's 72 counties have passed board resolutions and 28 have passed referendums in favor of a nonpartisan redistricting process. In fact, these referendums have passed 100% of the time when Wisconsinites have had the opportunity to vote, most with more than 70% support.

In my voting districts (State Assembly 23rd and State Senate District 8), district lines were a significant issue when it came to the election. They are currently very precise, demonstrating that the process was managed to limit the input of certain groups in order to support one party's goal. I am requesting that we respect the principles outlined by our Constitution to allow for equal opportunity for input on the redistricting process.

Michael Greif
2031 Brookview Ct
Neenah, WI 54956

November 19, 2020

As a citizen of Wisconsin, I am asking the Wisconsin Supreme Court to retain the current redistricting process and reject the recently proposed rule change to bypass lower courts and escalate disputed maps directly to the Wisconsin Supreme Court.

Redistricting is a complex and difficult task, and one that is fundamental to the principle of one person, one vote. It should never be rushed. The proposed rule change shortens the process and will not allow for fact-finding by lower courts. Further, the change may exclude any input from citizens or non-profit groups, and it will eliminate transparency in the redistricting process during a time where maintaining trust in our basic institutions is paramount.

Public interest in redistricting is at an all-time high in Wisconsin. This is not a time to exclude public testimony when 54 of Wisconsin's 72 counties have passed Board resolutions and 28 have passed referendums in favor of a nonpartisan redistricting process. In fact, these referendums have passed 100% of the time when Wisconsinites have had the opportunity to vote, most with more than 70% support.

Please retain the current redistricting process in 2021 to promote transparency and participation in our Wisconsin voting maps.

Thank you,

Michael

Bernadette Hohl
8588 East County Rd L
Bennett, WI 54873

November 18, 2020

I oppose Rule Petition 20-03 relating to legal challenges to redistricting.

This proposed rule would pre-rig the process for the drawing of legislative and congressional district maps and would likely lead to another gerrymander in Wisconsin.

Also, this proposed rule was submitted by the rightwing Wisconsin Institute for Law and Liberty (WILL), and it has the following flaws:

First, it would jump any legal challenge to redistricting immediately to the Wisconsin Supreme Court rather than let that challenge work its way through the courts in a normal fashion. The establishment of

a record at the lower court level would enhance transparency and enable the citizens of Wisconsin to grasp the evidence in the case and the competing arguments as they wend their way through the courts.

Second, nonprofit public interest organizations and concerned citizens could get aced out of any hearing on redistricting maps before the Wisconsin Supreme Court. The WILL petition, in Section 5(b), requires only that the political parties be heard by the Court in any dispute over the maps. It does not allow room, explicitly at least, for groups like ours that have a longstanding interest in this issue to be heard. Redistricting is not simply a dispute between the parties.

Third, the proposed rule that WILL is advancing gives the Court the leeway to disregard the procedures and requirements laid out in the rule itself. So that's no rule at all if it allows you to toss everything out the window and just do what you want. If you're going to have a rule, it should be abided by, and it should be transparent, and it should be applied in a fair manner.

Wisconsin needs Fair Maps for equal treatment under the law for all citizens.

Ron Hunt & Sheila Landsverk
W12746 State Road 60
Lodi, WI 53555

November 22, 2020

To the Honorable Supreme Court of the State of Wisconsin:

We live in rural Wisconsin. We have dedicated our lives in public service, with Ron working over 40 years for the State of Wisconsin. Sheila worked for UW Extension and the State of Wisconsin for many years. Both of us have Master's degrees in Public Administration. We believe strongly in the democratic process available to us in the United States of Wisconsin and in Wisconsin. We feel lucky to be Americans.

We are appalled by the rule change being proposed for consideration to the Supreme Court of Wisconsin by the Wisconsin Institute for Law and Property (WILL). Specifically, the proposal by WILL is not in the interests of the Will of the People of this state, nor the country for that matter.

We believe the court system has a due process of court levels that all issues should go through, including redistricting. We believe that everyone, not just political parties, should be able to be heard in disputes related to the redistricting process.

We believe making options for the Supreme Court to disregard procedures in the legal processes regarding redistricting is not in the public interest.

Democracy needs to operate in the public interest, including the balance of powers in our state and country. We need to keep the interests of a transparent process with no rule changes for the court system on all issues, but particularly on the issue of legislative districts and redistricting.

We appreciate the opportunity to be heard on this issue.

Thankfully,

Ron Hunt and Sheila Landsverk
Lodi, Wisconsin

Barbie Jackson
6441 Dilyn Drive
Madison, WI 53719

November 20, 2020

The case before the Wisconsin Supreme Court, which would require any lawsuit about future voting district maps to go directly to the Wisconsin Supreme Court, bypassing lower courts, is wrong. The Court is wrong to hear the case and it should find against the plaintiff. Furthermore, this process is being rushed and I demand a 60 day continuance to allow for public comment.

Transparency in the process of developing voting district maps is critical to ensuring good government. This procedural change would diminish transparency and would prevent voters and nonpartisan organizations advocating for good government from fully participating in the process of contesting voting district maps, should that become necessary.

The people of Wisconsin want a nonpartisan process for drawing voting district maps. 55 counties have passed resolutions and 28 counties have passed referenda supporting a transparent and nonpartisan procedure for drawing maps. This rule change would further disenfranchise Wisconsin voters by eliminating their voice from the process of litigating maps that are unfair. The work that occurs in lower courts is an important step in the process and must not be eliminated. The lower courts are the appropriate place where additional information can be provided to support concerns about proposed maps.

The petition seeks to authorize the Court to take jurisdiction prematurely based on mere speculation that, with a divided government, there “may” be a future impasse between the Legislature and Executive Branch. Having the Court take over the process at that premature point violates the state and federal constitutions because it would usurp the authority of the Legislature and Executive branch to

address redistricting matters in the first instance. While the Court may eventually be the proper party to review actual disputes about redistricting, based on the actual facts then of record, it is not the constitutionally authorized body to usurp and decide redistricting matters in the first instance.

Andy Jaw
5523 Quarry Hill Dr
Fitchburg, WI 53711

November 21, 2020

Letter to Supreme Court on proposed rule change for future redistricting litigation

My name is Andy Jaw and I am commenting on the rule change being proposed by the Wisconsin Institute for Law and Liberty (WILL) specific to legal challenges to redistricting. As a resident of Wisconsin, I am opposed to this proposed rule change for a number of reasons.

- This process shouldn't be rushed. Previously the Court spent years engaging experts and the public to examine potential procedures for redistricting review, ultimately determining there was not an adequate judicial solution in the Wisconsin Supreme Court. This time the truncated proposed rulemaking process has spanned only a few months without an independent review by a committee of experts. The Court rejected adopting a rule on this topic and the rule proposal before the Court now offers no reason for the Court to reverse its previous conclusion.
- Adopting the rule risks increasing the politicization of the Court and decreasing public trust in the Court as a legitimate institution. By inserting itself in this area of partisan conflict, the Court threatens to give the impression that it is a political branch rather than a neutral arbitrator of conflict between political actors.
- The proposed rule only considers partisan interests. While political parties are given standing to present maps before the Court, non-partisan groups and voters impacted by new districts may be excluded. This is at odds with the history of challenges to districts in Wisconsin where civic groups and individual Wisconsin citizens have been involved in litigation and asserted the rights of their members.
- Transparency in the redistricting process is key to public trust. The proposed rule does not provide adequate information to the public; nor does it allow input from the public. The last time new maps were drawn in Wisconsin the redistricting process failed to include robust public hearings where individuals and groups impacted by the proposed districts could be heard. The process WILL has proposed would not solve this. Furthermore, this would allow the Court to

sidestep consideration of any arguments other than elected officials and political parties. It would allow the court to create or approve maps without hearing evidence or public input. The people of Wisconsin deserve a fair process for redistricting. The proposed rule change would not be conducive to a fair process. I respectfully request that you do not adopt this rule change.

Very Respectfully,
Andy Jaw

Susan Johnson
2113 Mt. Zion Avenue
Janesville, WI 53545-1240

To WI Supreme Court: The drawing of the district maps, both state and federal, should be a democratic process in a representative democracy. I would like Wisconsin to follow the Iowa Model for redistricting. The Iowa Model is the most democratic one, I have seen. In our time, particularly the last ten years, Wisconsin has been oppressed by highly gerrymandered district maps. The word "oppressed" is not hyperbole in this case. Over the last ten years, the majority of Wisconsinites have been ruled by the minority among us! In my book, that spells oppression. It is definitely NOT representation. I don't have the exact percentages on hand, but I could look them up afterwards. The percentages of votes goes something like, Democrats cast 65% of the votes to receive 35% of the seats, or thereabouts. Wisconsin CAN and should DO better! I deserve representation as much as every other person in the state. Please consider my plea. The WI Supreme Court should not draw WI maps. It should be a democratic process, similar to, if not, the Iowa Model for Redistricting.

Thank you for listening.

Susan Johnson, Janesville City Council Member

518 Lac La Belle Drive
Oconomowoc, WI 53066

November 20, 2020

Dear Honorable Justices of the Supreme Court:

We are writing to express our opposition to the WILL/Jensen Petition for proposed rule change Wisconsin Statute 809.70.

Our state and country is in the grip of historic levels of political polarization and unrest. At the same time, we are facing a worldwide pandemic that has claimed over 250,000 lives nationally and is shattering our economy. All this is the backdrop for growing social and racial unrest. Many wonder and worry, how can we move forward together as a democracy?

Despite these challenges, something positive and powerful is happening in our communities. People are becoming more aware and engaged in the democratic process. We saw historic levels of voter turnout in the November elections. People want their voices to be heard.

Waukesha County Fair Maps Coalition is just one example of people coming together at the local level to build communities that are committed to overcoming political polarization. Waukesha County Fair Maps Coalition is comprised of individuals who are registered as Republicans, Independents and Democrats. We believe we can move forward as a democracy and overcome our differences if we can continue to secure the right to have all voices heard and respected in matters that impact our democracy.

The proposed rule change circumvents the voices of the public when it comes to matters of concern about redistricting which is at the core of making sure all citizens receive fair and responsive representation in government. It provides a mechanism for political parties to be heard by the court in disputes about new maps but does not give that same right to individuals and nonpartisan groups who will be gravely impacted by redistricting. [Section 5(b) The Governor, the Senate, the Assembly and political parties shall be granted intervention as of right.] It is important to note that according to a recent polling more people who responded to the surveys (Suffolk Poll found 26% and Marquette Poll found 37%) in Wisconsin define themselves as Independents than as Democrat or Republican so do not have official party representation.

The proposed rule further politicizes the redistricting process and paves the way for further polarization. It also politicizes the courts as they would be able to arbitrarily decide if and when to use the rule. The proposed change would likely erode citizens' faith in this important branch of government that needs to remain impartial for our democracy to succeed.

The existing process allows for due diligence by trial and appellate courts in the fact finding stage of litigation. It gives opportunity to community groups of all kinds impacted by redistricting to have their voices heard. It is a transparent process and one that is not rushed.

The Petition itself asserts that litigation is the inevitable route redistricting will take. This does not have to be a given—other states have successfully drawn non-partisan maps without resorting to litigation. Each of us have participated in the Wisconsin Non-Partisan People's Maps Commission process by testifying before the commission and/or sitting in on hearings to further educate ourselves as responsible citizens. The proposed change undermines the core principle of self-determination in ensuring that our government represents the will of the people by eliminating an avenue for all voices to be heard and considered. It turns the redistricting process into a court battle between political parties instead of a transparent process that includes the input of individual citizens and a wide array of citizen groups.

We urge you to respect the voices of everyday citizens who are stepping up and getting involved to secure their rights and freedoms by leaving the current system in place and rejecting the proposed rule to amend Wisconsin Statutes 809.70.

Respectfully Submitted,

Waukesha County Fair Maps Coalition Team Leaders

Anne Johnson

Lena Eng

Lisa Conley

Jane Speer

Carl Lock

Sue E. Konkel

Vicki Aro-Schackmuth

Mary Ann Biederwolf

Roger Kanitz

516 Riverway

Menasha, WI 54952

November 22, 2020

I am a member of the Wisconsin League of Women Voters because I am interested in ensuring fair elections that are conducted in a non-partisan manner. The voting rights of all citizens need to be given equal weight across our state! This is why it is so important that the people of Wisconsin need to have an open, transparent, and inclusive process open to all citizens when determining their district maps. The public needs confidence in our government's voting structure.

With this in mind, I oppose the proposed rule change now being considered. In 2009, after several years of exhaustive study, the Wisconsin Supreme Court decided against making a rule change such as the one currently proposed. I see the current push to change that ruling as something that will harmfully politicize the Court, exclude nonpartisan groups from full participation, and has insufficient transparency measures.

Deborah L. Koconis & Mark R. Unak
1220 N Jackson St, Unit 107
Milwaukee, WI 53202
414-224-7675
November 22, 2020

Clerk of the Supreme Court
P.O. Box 1688
Madison, WI 53701

RE: Written Comments regarding Petition for Proposed Rule to Amend Wis. Stat. § 809.70 (Relating to Original Actions) from Scott Jensen and Wisconsin Institute for Law & Liberty

Dear Clerk of the Supreme Court:

We write today to comment on the Petition referenced above. Our comments are as follows:

- Contrary to carefully considered past practice, the proposed rule would require nearly all lawsuits about future redistricting maps to go directly to the Wisconsin Supreme Court. This would limit review of these maps to only one body and rush the process. We disagree with both limiting review to only the Wisconsin Supreme Court and rushing the process.
- In particular, we disagree with limiting review of the maps to the Court because it is not accustomed to fact finding, which we believe to be crucial to the process.
- The proposed rule purports to provide guidance to the Court on how it should handle redistricting lawsuits, but we believe the guidance is insufficient to the purpose and, in certain respects, harmful to the public interest.
- In particular, while the proposed rule allows political parties to be heard by the Court in a dispute about the maps, it does not permit nonpartisan groups to be heard. We believe all interested parties should be heard and that the attempt to limit participation in these disputes is contrary to robust, vigorous, and inclusive debate that is critical to our legal system and our political system.
- We believe the proposed rule will decrease public trust in the Court as a legitimate institution, which the Court cannot afford.
- We believe transparency in the redistricting process is a fundamental necessity to assure the citizens of Wisconsin that the maps – and the system – are fair and worthy of being honored by the public.

For these reasons, we request that the Wisconsin Supreme Court deny this Petition.

Sincerely,
Deborah L. Koconis & Mark R. Unak

Margaret Krzyzewski
746 Fish Dr
Wisconsin Dells, WI 53965

November 22, 2020

I object to the rule change that will take disputed maps directly to the Wisconsin Supreme Court. It allows voters and interested parties little or no voice in the decision.

As a Wisconsin voter, I want my concerns heard. A full judicial process, starting with the lower courts, is necessary for thorough airing of my concerns as well as other voters' concerns. Skipping the full process does a disservice to us, particularly given the Party affiliation of the State Legislature relative to the actual Party affiliation of the voters. I am very concerned that justice will not be done without a thorough examination through the Court System.

54 of Wisconsin's 72 counties have passed board resolutions and 28 have passed referendums in favor of a nonpartisan redistricting process. My county is one of them. In fairness to the voters of Wisconsin please do not rush the redistricting process.

Since the Wisconsin Supreme Court has already decided against making a rule change like the one currently proposed, there is no reason to change the rule except to further a partisan slant on the decision.

Gene Lemmenes
17100 Bark Bay Road
Herbster, WI 54844

November 20, 2020

Wisconsin State Supreme Court

Re: Opposition to Wisconsin Institute for Law and Liberty petition on redistricting procedures

Dear Justices,

Given the current status of Wisconsin as one of the most gerrymandered states in the nation, the contrast between that fact and the intent of the constitutions of this state and nation to fairly represent the people, the need for transparency in any process that addresses fair representation, and the importance of a slow and thoughtful procedure for fairly redrawing district maps, I encourage you to

reject any attempt to reduce the input of the governor, the legislature, constitutional scholars, nongovernmental organizations, and the people of the state of Wisconsin in the creation of fair redistricting maps.

It's been almost 10 years since Wisconsin became a state that no longer reflects the will of the people, and the legislative and political ramifications of that inequity will be felt for years to come. Please find a way to begin a return to democracy in this state, by rejecting the Wisconsin Institute for Law and Liberty attempt to accelerate, obfuscate, and disenfranchise the already difficult process of redistricting. Thank you.

Sincerely,

Gene Lemmenes

Liz Lusk
452 Virginia Terrace
Madison, WI 53726

Dear Honorable Justices of the Supreme Court of Wisconsin,

I am writing to you on behalf both of the Second Congressional District Steering Committee of the Wisconsin Fair Maps Coalition and of TAR, a group of approximately fifteen community members in south central Wisconsin. The Second Congressional District Steering Committee includes members from Dane, Iowa, Lafayette, Sauk, and Green Counties. Both groups have worked tirelessly on behalf of Fair Maps in Wisconsin. Both strongly oppose the proposed WILL/Jensen 20-03 rule related to legal challenges regarding redistricting.

In the recent election, communities around Wisconsin passed 11 county and 4 municipal referenda in favor of creating Fair Maps. The smallest margin by which any of these Fair Maps referenda passed in this election was 57%. The passage of these recent initiatives brings to 55 (out of a total of 72) the number of counties that have passed Fair Maps initiatives. And yet to date, the legislature has refused even to take up such a Fair Maps measure. The overwhelming will of the people has been shunted aside in favor of partisan mapping. Both major political parties have tried to rig the system in their favor, but it's we, the people, who are hurt because our voices have become irrelevant.

With this proposed WILL/Jensen 20-03 rule change only political parties and state entities are granted input in the case of contested redistricting. Wisconsin's problem right now is that the political party which has majorities in the legislature is able to decide the state district maps with no other input. At times, as in the 2011 redistricting, this was decided in secrecy, without even showing the potential maps

to the other party or to the public for input. This has caused Wisconsin to be one of, if not the most, gerrymandered states in the United States.

Political parties ought not be the only voices in the room. It is our opinion that politics should be taken out of redistricting and the process changed to a non-partisan process. This current proposed rule change does just the opposite. It allows automatic standing only to political parties. Should lawsuits arise concerning redistricting this rule would send any conflict directly to the Wisconsin Supreme Court without any chance for community and individual citizens to give input. This is wrongheaded, partisan, and undermines voters' rights. This rule proposal exacerbates rather than remedies the partisan nature of redistricting in Wisconsin.

We ask that you uphold the state Supreme Court's current status as an elected entity but not a partisan one. The current perception of the Court is that it is even-handed and fair, supporting the rights of all voters in our state. Do not tarnish its role by enacting this rule, which would taint it with partisanship.

There are other reasons that we oppose this rule. Delivering any litigation regarding redistricting directly to the Supreme Court does not allow for the normal process by which other courts perform fact finding and collecting evidence and thus to create a record. The Supreme Court does not typically perform these functions and there is no reason that it should.

Finally, this proposed WILL/Jensen 20-03 rule change would give the court the power to simply disregard the process laid out in the rule itself. What is the point of a rule if it may be disregarded without any given reason? A true rule would function as a rule and so be implemented without this odd loophole.

Thanks for your time. And we await your decision.

Sincerely,
Liz Lusk

Amanda Peterson
Peg Rasch
(for Second CD Steering Committee)
Peter Gottlieb
Laura Gottlieb
Kate Lyman
Linda Kessel
Irene Golembiewski
Mitchell Nussbaum
Lucretia Fairchild
Pam Woodruff
Tom Poppe

Terry Cohn
(for TAR Membership)

Sister Dolores Lytle, CSA
330 County Road K
Fond du Lac, WI 54937

November 21, 2020

Having moved to Wisconsin five years ago, I have become active in the local political scene. I am deeply concerned about the way this state creates its legislative districts. Your current state rules provide quite a bit of oversight for this process but the current rules changing deprives citizens of influence locally and nationally.

Such a complex process as redistricting needs adequate assurances and time or it undermines public confidence in our democratic government. A decade ago, the Wisconsin Supreme Court decided against changing the rules regarding the redistricting process. It is unhelpful for our state leaders to ignore their decisions at this time. The turnout in this month's election shows how interested we are in political involvement. Since 54 of Wisconsin's 72 counties have passed Board resolutions and 28 have passed referendums in favor of a nonpartisan redistricting process. It is time to ensure that citizens throughout the state are not short-changed by politically motivated rule changes!

Christine Maloney
970 Brave Drive
Somerset, WI 54025

November 22, 2020

Please do not allow this change which will obviously reduce the ability of ordinary citizens to be heard in these disputes. Non-political-party coalitions are an important way for individual citizens to join together to be able to speak as loudly as do heavily-funded political parties. Making this change will be a step to reducing the rights of individuals to be heard in Wisconsin.

Kelli Miller
9092 Westlake Dr
Greendale, WI 53129

November 20, 2020

I oppose the petition filed by the Wisconsin Institute for Law and Liberty to amend Wisconsin Statute 809.70 (related to original actions). The process it proposes for handling legal challenges to Congressional and state legislative maps is not thorough, fair, or transparent. By bypassing lower courts and allowing the state Supreme Court to claim jurisdiction on any redistricting lawsuits, the petition cuts off critical judicial review so important for reaching sound decisions. The petition doesn't allow for adequate public input and lacks transparency, as only political parties and elected officials have the right to intervene – citizens and nonpartisan groups are excluded from this right. I'm also concerned that the rushed process and weight given to political parties and elected officials risks politicizing the Court and exacerbating the already partisan nature of these cases. This petition has the potential to undermine public trust in the Court as an impartial arbiter.

Yolan Mistele
11355 Marchese Rd
Arbor Vitae, WI 54568

November 19, 2020

There is currently a petition asking the Wisconsin Supreme Court to claim jurisdiction on any litigation regarding redistricting plans developed after the census 2020 results are available.

This rule change would undermine the judicial process and is harmful to the public interest. For example, it requires that political parties be heard by the Court in a dispute about new maps, but doesn't give the same rights to nonpartisan groups like unions or membership organizations such as the League of Women Voters. This means groups who have in the past challenged redistricting plans on behalf of their members could be excluded from the Court's process.

The proposed ruling also gives the Court the option to disregard the processes and requirements set forth in the rule itself — making the procedures optional. This does not provide a fair set of rules for everyone to play by or an inclusive legal process that will ensure the Court has the necessary facts and viewpoints it needs to conduct an appropriate legal review.

It's time to have a nonpartisan, transparent redistricting process.

Lynn Montague
1038 Carriage Dr
Sun Prairie, WI 53590

November 18, 2020

This public comment is in regards to the proposed rule that the state Supreme Court will take jurisdiction on any future redistricting litigation. I am publicly opposing this proposition for a number of reasons.

The guidance in this petition is meager and, in many places, harmful to the public interest. For example, it requires that political parties be heard by the Court in a dispute about new maps but it doesn't give the same rights to nonpartisan groups like unions or membership organizations. This means that groups who have in the past challenged gerrymandering can be excluded from the Court's process.

The proposed rule also gives the Court the option to disregard the processes and requirements set forth in the rule itself – making the procedures optional. This does not provide a fair set of rules for everyone to play by, or an inclusive legal process that will ensure the Court has the necessary facts and viewpoints it needs to conduct and appropriate legal review.

There is no reason to further politicize the Court, exclude nonpartisan groups from full participation, or be anything but fully transparent in the redistricting of our maps. Please reject this proposed rule.

RoyAnne Moulton
1434 Silverwood Ln
Neenah, WI 54956

November 18, 2020

I believe it is NOT in the best interest of the citizenry to have the state supreme court take jurisdiction on any future redistricting litigation. The state supreme court needs to allow people and independent groups to challenge district maps, which should be drawn for the purpose of fairly and competitively selecting our government representatives.

Maps that are not fairly/competitively drawn, I believe, disenfranchise voters because their vote, and hence their independent voice, doesn't count in a stacked deck, which favors monied special interest groups. The process of drawing fair maps should not exclude individuals and nonpartisan groups from full participation, and should be done providing full public transparency. Our current set of maps were drawn in the dark of the night and lacked any form of transparency.

While our statewide election vote tallies are pretty evenly split between the two major parties, our representation at the state district level doesn't even come close to reflecting the statewide vote. The Wisconsin Institute for Law and Liberty's petition should be denied. The entire process needs to be

reviewed for fairness. It does not need a final chokehold by putting it in the jurisdiction of the supreme court.

Thank you.

Susan Neitzel
N9530 Hickory Rd
Pickett, WI 54964

November 22, 2020

Partisan gerrymandering disenfranchises voters. Both parties in our two-party dominated system are guilty of engineering maps to benefit them in future elections. Our 2011 redistricting maps are some of the most extremely gerrymandered in the United States and the results of these maps are that approximately 50 times more voters were moved to a new district than in the past. These maps were also drafted in secret with almost no public input and have resulted in expensive, ongoing litigation for the State of Wisconsin.

Polling across Wisconsin has resulted in overwhelming support for a fair, non-partisan approach to redistricting with almost two-thirds of Wisconsin counties passing referenda to that effect. When introduced, these referenda have passed 100% of the time. Public interest in the issue of redistricting is at an all-time high. Fair redistricting is at the core of our one person-one vote principle. Public confidence in government relies on an open and transparent process. Clearly, the current system is neither open nor transparent.

Next year, the census will release new data, and the process of redistricting will begin. The Republican-controlled legislature will again be charged with drawing up these maps. As demonstrated by the 2011 maps they have had a clear mandate to redistrict to their benefit.

Governor Evers has issued Executive Order #66 and has created the People's Maps Commission to create an alternative set of maps to those created by the legislature. As in many other states, this commission will hold public hearings and solicit public comments on the effects of gerrymandering on citizens. Although we now have a Governor who can veto the legislature-drawn maps, we will still end up in court to contest and settle the matter.

Scott Jensen, (former Republican Speaker of the Wisconsin Assembly) together with the Wisconsin Institute for Law and Liberty, has filed a petition with a proposed rule change to take the disputed maps directly to the Wisconsin Supreme Court. A court in which justices elected in highly partisan races are demonstrating that they tend more and more toward partisanship.

Typically, redistricting cases have gone through ascending levels of federal courts. In bypassing the lower courts, we will allow for no fact-finding and will likely exclude most, if not all input from citizens and other affected groups. We already have a legislature that conducts its redistricting in secret. This rule change will eliminate any transparency left in the redistricting process.

So do we bypass the lower courts and eliminate public participation in the process? Do we go straight to the partisan WI Supreme Court and increase the chances of a partisan decision? Adopting the Scott Jansen-proposed rule risks increased polarization of the court and decreased trust in the public of our elected officials. I categorically reject this rule change.

Janice Nitz
2424 E Webster PL #305
Milwaukee, WI 53211

November 21, 2020

Dear Honorable Justices of the Wisconsin Supreme Court,

I am writing as a private citizen to voice my strong opposition to Petition 20-03, submitted by the Wisconsin Institute for Law and Liberty (WILL), regarding the process by which legal challenges to legislative redistricting will be heard. I urge you to reject this petition in its entirety. Indeed, doing so is the only course of action consistent with the idea of government by, for, and of the people.

Legislative redistricting is the very foundation of democracy—legislative representation is the vehicle by which voters participate in their own government—yet WILL is asking you, as members of the state’s highest court, to restrict private citizens and private groups from having a voice in the redistricting process. The rules proposed in Petition 20-03 require that political parties must be heard by the court on the issue of redistricting, but does not allow private citizens and private groups that same right.

That fact alone should be enough to cause the court to reject petition 20-03 out of hand. The fact that I, and thousands of my fellow citizens, are not members of a political party does not mean that we do not have a legitimate interest in governance. To deny access to private citizens and private groups on this issue is to contradict, in spirit if not in explicit legal terms, the ideal of equal protection under the law as guaranteed in the U.S. Constitution.

But there is another important reason that petition 20-03 must be rejected: it prevents lower courts from making rulings on this issue, which would provide a much-needed dose of transparency to a crucially important function of government. By following a set of rulings through the courts via normal routines and precedents, the citizens of Wisconsin would be better informed, and have more time to weigh in on issues that directly affect their own governance. It would be irresponsible to agree to WILL’s attempt to hasten the decision-making process and so limit public involvement.

Finally, the rule proposed in petitions 20-03 would give the state's highest court the option of disregarding its recommendations anyway. And time and again in recent politics, we have seen that an optional rule is not worth the paper it is printed on.

Wisconsin is currently under the influence of some of the most precisely engineered gerrymandering in the entire U.S. Please ensure that private citizens like me are given the opportunity to seek redress from the courts for this injustice. I urge you, as members of the Wisconsin Supreme Court, to reject WILL'S petition. If you do not do so, you will be pounding yet another nail into the coffin of democracy.

Thank you for your consideration.

Sincerely,
Janice Nitz

Donna Pahuski
W8883 Deer Run Trail
Cambridge, WI 53523

November 22, 2020

Dear Honorable Justices of the Wisconsin Supreme Court:

The recent rule change request by WILL regarding legal challenges to new electoral maps is very concerning to me. Wisconsin is already among the most gerrymandered states in the country. Our WI legislative map is so far skewed toward one political party that the opposing party will more than likely not be the majority for at least one whole generation. That being the case, without maps that are more fairly drawn (i.e. like the non-partisan IOWA model which has been the gold standard for redistricting for the past 40 years), thorough review by lower courts and an appropriate amount of time before WSC involvement would seem only fair and proper. Further, why is it that only political parties will be allowed to challenge legislative maps? This is outrageous.

According to our state constitution, Wisconsin citizens and taxpayer are supposed to be getting 3 branches of government in Wisconsin. In recent years, we seem to only be getting work out of 2 branches - the executive and judicial branches. Please make our WI legislature get back to work to do the work of redrawing legislative maps and then being held accountable for their choices. We all know that the WI Supreme Court has become somewhat of a "Mommy" for unethical politicians to hide behind so that they don't have to be responsible to constituents. Please put an end to this. Please stand up for Wisconsin residents and allow for all citizens to give input on legislative maps through both political and non-political groups, as well as individually.

Sara Ramaker
2545 Oakwood Avenue
Green Bay, WI 54301

November 16, 2020

Wisconsin Voters voted for a nonpartisan commission to draw district maps. This court's involvement would limit public involvement, politicize the process and undermine voters confidence in the results.

Louise Robbins
5406 Regent Street
Madison, WI 53705

November 21, 2020

American representative democracy is based on the principle of one person-one vote.

Gerrymandering violates that principle by allowing our legislators to select their voters and disregard the needs of many citizens. It also reduces motivation of legislators to act on problems that affect all citizens. Gerrymandering allows legislators to ignore the toll COVID is taking or to address issues around policing which concern many greatly. While I have not suffered to the extent of hundreds of Wisconsinites, neglect of consideration of COVID control measures I have been unable to celebrate my grandchildren's milestone birthdays and to share holidays with my family this year.

Fundamental to making one person-one vote work is a fair redistricting process. Such a process must allow the voices of nonpartisan citizens' groups to be heard, not just political parties. Nor should the process of reviewing fair maps be rushed.

The Wisconsin Supreme Court should resist the temptation to further cut citizens out of the political process by claiming jurisdiction on redistricting legislation. To do otherwise will harmfully politicize the Court, exclude nonpartisan groups from participation, and limit judicial transparency.

Bradley Schneider

102 Holiday Ct
Verona, WI 53593

November 20, 2020

To Members of the Wisconsin Supreme Court –

I am writing to you to express my opposition to the WI Institute of Law and Liberty’s sponsored rule specific to legal challenges to redistricting. Among the points that I object to are:

- The rule would allow most law suits to bypass lower courts and go directly to the Supreme Court. This sidesteps normal legal processes. As you know, FINDING FACTS normally occurs in a “lower” court by developing a record, including evidence and testimony. Only then should a case proceed to an “upper” court like the WI Supreme Court for REVIEWING the LEGAL CONCLUSIONS rather than FINDING FACT.
- The proposed rule also sets out how the court should handle redistricting lawsuits. For example, political parties can be heard by the Court in a dispute about new maps, but nonpartisan groups like unions or membership organizations are not included. This means groups who have in the past challenged gerrymandering could be excluded from the Court’s process.
- Finally, the proposed rule also gives the Court the option to disregard the processes and requirements set forth in the rule itself—making any procedures optional. Why have any rules at all?

This proposed rule does not provide a fair set of rules for everyone to play by, or an inclusive legal process that will insure the Court has the necessary facts and viewpoints it needs to conduct an appropriate legal review.

I consider the Wisconsin gerrymandered district maps the biggest threat to democracy in our state. One only needs to look back at the 2016, 2018 and 2020 elections to see how the % of statewide votes for Democratic Representatives and Senators resulted in a much lower % of seats in the Assembly and Senate:

2020 Assembly Election 2018 Assembly Election 2016 Assembly Election
Popular Vote 45.5% Popular Vote 53% Popular Vote 45.5%
Seats won 38.4% Seats won 36.4% Seats won 35.4%

2020 Senate Election 2018 Senate Election 2016 Senate Election
Popular Vote 46.5% Popular Vote 46.9% Popular Vote 50.3%
Seats won 36.4% Seats won 42.4% Seats won 39.4%

According to Anthony Chergosky, UW-La Crosse assistant professor of political science. “You look at the maps, you look at the statistics, you look at the voting patterns, you look at the discrepancy between the popular vote and the number of seats won, and it’s plain as day that this is not just a gerrymandered map, but a very effective one.”

As a State Level Officer for the WI Music Educators Association, I regularly have communication with legislators on both sides of the aisle. I find the vast majority of them to be very concerned about the welfare of their constituents in their districts. Letting these good people be elected fairly will help keep every legislator more responsible and accountable to the people in their district. Our Democracy is strengthened. The rule changes proposed by WILL are designed to streamline and consolidate power in fewer hands and to insulate the legislative leadership from accountability and Democracy will be weakened.

Additionally, the WILL backed rule change will erode public confidence in the WI Supreme Court:

- Adopting this rule risks increasing the politicization of the Court and decreasing public trust in the Court as a legitimate institution. Inserting itself so early into what is essentially a political challenge, will only cast the court as a political body. Essentially the WI Supreme Court will become the third legislative branch.
- The proposed rule only considers partisan interests. Adopting this rule may cause non-partisan groups and voters impacted by the new districts to be excluded. This is at odds with the history of challenges to redistricting in WI, where civic groups and individual Wisconsin citizens have been involved in litigation and asserted the rights of their members.

Our country is suffering from deep divisions and political turmoil. Transparency in the rules governing redistricting is crucial at this time in our history. Please do not rush the process by adopting WILL’s ultra partisan rule proposal.

Brad Schneider
608.516.7364
brad.schneider102@gmail.com

Richard Schoenbohm
516 E Wisconsin Ave, Suite E
Appleton, WI 54911

November 20, 2020

I speak in opposition to the petition for rule change that would send disputed redistricting maps directly to the Wisconsin Supreme Court.

“You’ve got to be very careful if you don’t know where you are going, because you might not get there.” Yogi Berra. And let me add my own nod to baseball: don’t go to the bullpen if your pitcher is still throwing strikes.

Under the current rule, map disputes go through evidentiary hearings at the Federal District Court, with appeals from the District Court ruling ascending up through the Federal Appellate Courts. Producing fair and effective districting maps is an extremely complex process, requiring consideration of census data, communities of interest, contiguousness of districts, local boundaries, and a myriad of other factors. These considerations depend on thousands of data points, and increasingly on understanding of computer modeling. Many of these considerations require expert testimony. And the result of any court decision irrevocably affects the rights of Wisconsin voters for ten years.

The Wisconsin Supreme Court, the highest court in our state judicial system, is an excellent court. And just as the Federal District Court does, our court would apply Wisconsin law to a map dispute. But the Wisconsin Supreme Court is not meant to be a fact-finding court. The Federal District Court is.

Taking on this complex and divisive task now, when so many other cases before the Court are filled with explosive partisan land mines, would be like a relief pitcher coming in with bases loaded, no outs, and the top of the batting order coming up. Instead give the starter a chance to work his way out of the jam. The Federal District Court has done so with every dispute in the past. Who knows the result if you step in now. As Yogi Berra said, if you are not sure where you are going, you might not get there.

And let me close by returning to 2009, when, after several years of exhaustive study, the Wisconsin Supreme Court rejected taking on the responsibility of resolving map disputes. I believe that that was the right decision then and would be the right decision now. Nothing has changed since then. If anything, escalating partisanship weighs even more against rule change. Please do not change the rule.

I am glad that our Supreme Court is in the bullpen, but the current procedure can still throw strikes, so keep it in the game.

Thank you.

Richard B. Schoenbohm
(920) 843-1595
rbschoenbohm@gmail.com

Barbara Schrank

2313 Keyes Ave
Madison, WI 53711

November 17, 2020

I do not support the Wisconsin Institute for Law & Liberty's ("WILL"), filed petition requesting that the state Supreme Court take jurisdiction on any future redistricting litigation. This would limit the review of maps and rush the process. I believe our state needs to be moving in a direction that support efforts to fairly balance voting maps. Gerrymandered maps, for too long, have not represented voters in the State of WI fairly, thereby limiting the effectiveness of an individual's vote. I am in favor of more fairly balanced maps being drawn, and I am also in favor of all groups and individuals being able to bring their concerns before the courts in an orderly fashion. Excluding the legal concerns of individuals and organizations in voting will further disenfranchise voters in this state. Lastly, I support efforts for fairly balanced maps, and for working towards efforts to increase voter registration and access to voting.

Michael Shogren
8588 East County Rd L
Bennett, WI 54873

November 18, 2020

I oppose Rule Petition 20-03 relating to legal challenges to redistricting.

This proposed rule would pre-rig the process for the drawing of legislative and congressional district maps and would likely lead to another gerrymander in Wisconsin.

Also, this proposed rule was submitted by the rightwing Wisconsin Institute for Law and Liberty (WILL), and it has the following flaws:

First, it would jump any legal challenge to redistricting immediately to the Wisconsin Supreme Court rather than let that challenge work its way through the courts in a normal fashion. The establishment of a record at the lower court level would enhance transparency and enable the citizens of Wisconsin to grasp the evidence in the case and the competing arguments as they wend their way through the courts.

Second, nonprofit public interest organizations and concerned citizens could get aced out of any hearing on redistricting maps before the Wisconsin Supreme Court. The WILL petition, in Section 5(b), requires only that the political parties be heard by the Court in any dispute over the maps. It does not allow room, explicitly at least, for groups like ours that have a longstanding interest in this issue to be heard. Redistricting is not simply a dispute between the parties.

Third, the proposed rule that WILL is advancing gives the Court the leeway to disregard the procedures and requirements laid out in the rule itself. So that's no rule at all if it allows you to toss everything out the window and just do what you want. If you're going to have a rule, it should be abided by, and it should be transparent, and it should be applied in a fair manner.

Wisconsin needs Fair Maps for equal treatment under the law for all citizens.

Tina Smith
N3906 Blackhawk Rd
Pine River, WI 54965

November 20, 2020

This petition filed would limit the review of maps and rush the process. This guidance is sparse and in several places, harmful to the public interest. And it doesn't give the same rights to nonpartisan groups like unions or membership organizations. This does not provide a fair set of rules for everyone to play by, or an inclusive legal process that will ensure the Court has the necessary facts and viewpoints it needs to conduct an appropriate legal review. It's un-American for "WILL" to petition for this.

Dave and Donna Swanson
5940 Stanton Rd
Platteville, WI 53818-9642

November 22, 2020

I am opposed to the rule change because the establishment of a record at the lower court level would enhance transparency and enable the citizens of Wisconsin to grasp the evidence in the case and the competing arguments as they wind their way through the courts.

It would also eliminate the opportunity for nonprofit public interest organizations and concerned citizens to provide input at any hearing on redistricting maps before the Wisconsin Supreme Court.

The proposed rule that is advancing gives the Court the leeway to disregard the procedures and requirements laid out in the rule itself. If you're going to have a rule, it should be abided by, and it should be transparent, and it should be applied in a fair manner.

Anne Taylor
341 Pinnacle Dr
Lake Mills, WI 53551

November 21, 2020

Dear Justices of the Wisconsin Supreme Court:

I write in opposition to the petition to amend Wis. Stat. 809.70.

As a retired attorney, I am concerned that the proposed rule does not require an evidentiary record. Redistricting by its very nature involves the votes of real people in actual municipalities. Those facts should be developed, presented and evaluated. The Jensen Court considered what now might be called an independent redistricting commission, writing:

Components of a new procedure could include: provisions governing fact finding (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; See generally *Grove*, 507 U.S. 25; *Wilson v. Eu*, 816 P.2d 1306, 1307 (Cal. 1991);[8]

[8] In California, for example, the following procedure has been followed:

The supreme court appoints a panel of three special masters comprised of retired or reserve trial and appellate judges charged with the responsibility of holding a series of public hearings throughout the state to receive evidence and arguments on proposed redistricting plans.

The special masters must complete the public hearings within 30 days of their appointment and submit recommendations and a proposed plan within 30 days thereafter. An additional 30-day period for briefing and for filing of public comments with the court concerning the special masters' plan is permitted.

The court then reviews the special masters' plan and public comment.

Jensen v. Wisconsin Elections Bd., 639 N.W.2d 537, 720 (Wis.Sup.Ct. 2002). Unfortunately, there is nothing in Petitioner's proposed rule that requires evidence gathering. Nevertheless, the process of fact finding based on a thorough hearing of the evidence is the bedrock of our judicial system.

Finally, allowing the Governor, the Senate, the Assembly and political parties status as presumed intervenors while requiring others to petition for intervenor status creates two tiers of litigants and barriers for interested parties to participate. It is unclear under the proposal what facts interested parties would have to demonstrate for standing. Access to the courts is one of the fundamental rights of our democracy and the proposed rule arbitrarily limits that access.

For the above reasons, I request that the court deny the petition. Thank you for the opportunity to comment.

Respectfully submitted,

Anne Taylor

Hans Breitenmoser on behalf of the Citizen Action North Central Organizing Co-op
W6982 Joe Snow Road
Merrill, WI 54452

November 22, 2020

To the Honorable Justices of the Wisconsin Supreme Court
In re Petition for Proposed Rule to Amend Sec. 809.70 Stats. (Rule Petition 20-03)

Dear Justices:

The undersigned write to comment on the petition for rule change submitted by Scott Jensen and the Wisconsin Institute for Law and Liberty on June 2d, 2020. We oppose adoption of the proposed rule which would regulate the Wisconsin Supreme Court's exercise of original jurisdiction over redistricting litigation. (Hereinafter the Wisconsin Supreme Court will be referred to as the Court).

We fail to see why any such rule is necessary. No rational person would question the Court's authority to exercise original jurisdiction over an issue of such statewide significance. In fact, the Court has considered and rejected the promulgation of a similar rule, after five years of study, in the recent past. See In the matter of the adoption of procedures for original action cases involving state legislative redistricting. (Order no. 02-03 filed Jan. 30, 2009). After declining to enact a rule on the subject of original jurisdiction after years of study the Court should not now adopt a rule, on the same subject, proposed mere months ago.

We also believe that the petitioner's proposed rule is badly flawed because, if adopted as written, it would confer on the governor, the legislature and political parties the ability to intervene in redistricting litigation as of right while presumably relegating all other interested parties to intervening for cause. This hardly seems fair. While no one can argue that the governor and legislature do not have a compelling interest in redistricting legislation many other potential parties have an equal interest. This idea is amply supported by the fact that to date fifty- two Wisconsin counties have adopted resolutions supporting a non-partisan process for drawing redistricting maps. See Supervisors Approve Fair Maps Resolution the Record-Review (Athens, Edgar, Marathon, Stratford) July 28, 2020. Wisconsin law already

provides a mechanism for interested persons to intervene in litigation. Sec. 803.09 Stats. It seems far more equitable to require any party that wishes to intervene in a redistricting case to resort to an appropriate motion under the existing statute than to confer special rights on a handful of partisans. To do otherwise smacks of a denial of equal protection.

Finally, as an appellate forum the Court is not equipped for fact finding. The petitioners recognize this in their proposed rule by providing that the Court may refer issues of material fact that can be resolved by testimony to a circuit court or a referee for resolution. It seems to us that this provision of the proposed rule is far too restrictive. If fact finding is necessary, especially given the importance of redistricting, it would be better to refer the matter to a circuit court for a complete fact-finding hearing at which any relevant evidence, not just testimony, can be received. If the rule is adopted it should be amended to so provide. In this way the Court will have a complete record to review once fact finding is completed.

Hans Breitenmoser and Don Dunphy, on behalf of the Citizen Action of Wisconsin North Central Organizing Co-op