

November 22, 2020

Clerk of Supreme Court
Attention: Deputy Clerk-Rules
P.O. Box 1688, Madison
WI 53701-1688

RE: Rule petition 20-03 Amendment to Wis. Stat. § 809.70 (redistricting litigation)

Dear Honorable Justices of the Supreme Court:

It is our, the undersigned parties, contention that cases submitted to the courts related to the decennial drawing of legislative and congressional district maps for the State of Wisconsin should not advance to the Wisconsin Supreme Court without first being heard by the lower courts.

While it may ultimately be necessary for the Wisconsin Supreme Court to hear appeals to decisions made by lower state courts, the preemptive rule changes proposed in [Amendment 20-03](#) will severely hinder the overall discovery process for these cases and ensure a lack of due process for the injured parties and the people of Wisconsin. Removing steps from the traditional litigative process will also result in undue burden on the Supreme Court, significant scrutiny of its decisions, and very likely lead to less-than-optimal legislative districts which negatively impact Wisconsin and its public institutions for 10 years and beyond.

Most significantly, the limitations on who may testify in such litigation severely and substantially limits people's rights. The interests of Wisconsinites are myriad and cannot adequately be represented solely through political party representatives. Many people do not affiliate with any political party, and many who do — either through voting, volunteering, or contributions— do not necessarily support in whole or even partially the actions of party leadership and their litigative agendas. Political parties do not always act in the best interest of their supporters or the populace as a whole. Thus, limiting testimony to only political parties leaves many Wisconsinites with absolutely no voice in this critical governing mechanism. This is unjust and will severely erode people's trust in political processes, the state's courts, and the rule of law.

It is also important to note that [Executive Order #66 \(PDF\)](#) — creating the People's Maps Commission and initiating a new recommended process — constitutes a significant change from how maps were drawn in previous redistricting cycles. This order and the subsequent changes to the process intend to increase transparency in how district maps are created, produce political boundaries which allow for fair competition for votes and political power, limit the potential negative impacts of pressure from parties and special interests, and ultimately produce a legislative body that adequately reflects and represents the will of the voters and the populace

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as a whole. Regardless to whether the recommendations from this body will be used in part or in full by the Wisconsin Legislature when it puts forth a redistricting map for approval, it is very likely that some aspects of this work, the decision making of the actors, or the maps produced will need to be reviewed and adjudicated by the courts. This elevated likelihood of litigation makes the need for a traditional track for cases paramount.

These likely negative outcomes significantly outweigh the possible benefits of the rule changes, and will serve to further reduce the overall power and legitimacy of the state's courts — especially the Wisconsin Supreme Court. Redistricting happens every ten years. It is more important to get this work right than to expedite the process for any possible benefits.

Thank you for the opportunity to comment on the proposed procedural changes concerning redistricting litigation. The above sentiments are submitted on behalf of Modern Populace — a coalition of people organizing to advance citizenship and improve representative democracy — and supported by the undersigned residents of the State of Wisconsin.

Kind regards,

A handwritten signature in black ink that reads "Robert Beets". The letters are cursive and somewhat stylized, with a horizontal line under the "o" in "Robert" and a horizontal line under the "e" in "Beets".

Robert Beets
Founder, Modern Populace
Madison resident

SUPPORTED BY:

Andrew Bailey

Kim Ebinger
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