



**Wisconsin
Conservation
Voters**

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CLERK OF SUPREME COURT
OF WISCONSIN

SENT VIA EMAIL AND U.S. MAIL

November 30, 2020
Wisconsin Supreme Court
P.O. Box 1688,
Madison, WI 53701-1688

Re: Comments on Rule Petition 20-03

Dear Honorable Justices of the Supreme Court:

I write on behalf of Wisconsin Conservation Voters to provide comments on Rule Petition 20-03. We appreciate the opportunity to comment on the petition. We respectfully ask that you reject Rule Petition 20-03.

Wisconsin Conservation Voters (WCV) is a nonpartisan issue-based organization. Our mission is to engage voters to protect Wisconsin's environment. To achieve that, WCV advocates for sound environmental laws and policies, holds elected officials accountable for their votes and actions, and elects pro-conservation candidates who will champion our priority issues. WCV is committed to ensuring who we are and who we work with reflects the state as a whole.

We have offices in Madison, Milwaukee, Eau Claire, and Green Bay, where we work with our network of over 40,000 members and supporters to engage voters to protect our environment. We work in close partnership with many local conservation groups around the state.

Rule Petition 20-03 only considers partisan interests

Wisconsin has a rich history of civic and nonpartisan groups being involved in legal proceedings to assert the rights of their members. The interests of a nonpartisan organization such as ours, and those of our members, would not be represented in a partisan-only judicial process.

Wisconsin Conservation Voters partners with organizations representing a wide range of ideological viewpoints from conservative sportsmen to progressive climate change groups. Our membership is comprised of individuals who identify with both major political parties, as well as voters who are unaffiliated or prefer non-dominant political parties. The one unifying principle is that they care deeply about conservation issues, such as land preservation, safe drinking water, and promoting clean energy. They believe that being involved in the Wisconsin political process at the local, state, and federal levels is the most effective tactic they can use to protect our natural resources. A rulemaking process that only gave standing as of right to the political parties and elected officials would leave out the interests of many politically engaged entities who seek to be involved, such as WCV. Our

members' interests would not be adequately represented by the parties given intervention as of right by this proposed rule.

Rule Petition 20-03 would undermine transparency and further erode public trust in the Court

As part of our mission, Wisconsin Conservation Voters engages citizens in the full cycle of the political process from voting to advocacy to rulemaking. If people feel like the process of drawing legislative maps is not open, transparent, and fair, it will be much more difficult for people to have faith in any resulting decision-making processes. Good process for establishing future maps ensures good faith in the outcome of that process. Which, in turn, makes it easier to recruit people to participate in future legislative efforts on our issues. That is why we are concerned by the proposed rule. It does not articulate how the public will be informed of, or engaged with, the decision-making process if the Court draws maps or chooses between maps proposed by political parties. Especially because the proposed rule sets the Court up to potentially short-circuit the Legislature's process and declare an impasse nearly immediately, it is difficult to see how the public could adequately be included in the process. We fundamentally believe you can't have a healthy environment without a healthy democracy. The proposed rule makes it harder for citizens to have input, or understand, the redistricting process. It also seems likely to lead to the public viewing the Court as another political actor instead of an unbiased referee.

Rule Petition 20-03 would unnecessarily rush a critical process that is fundamental to our democracy

The Court had considered adopting a rule on this topic in the past. After much deliberation and input from a wide variety of experts, the Court itself concluded that having the Wisconsin Supreme Court so deeply involved in the redistricting process was not beneficial for a good outcome. This current request for rulemaking has had no independent review by a committee of experts. We believe this rushed process did not bring to light any evidence to suggest the Court's previous conclusion on this topic was incorrect. Even if the Court now feels it is appropriate to adopt a rule on redistricting litigation, this proposal is not at all what the previous study committee recommended. To change course and adopt such a different set of procedures now appears completely unjustified. Rejecting the proposal of an expert panel after years of study and debate in favor of one by a single former legislator would raise serious concerns and undermine public trust in the Court.

Conservation groups such as ours are accustomed to longer, robust rulemaking processes to ensure good policy. It is consistent that we would request such a thorough process for determining how redistricting is accomplished and potentially litigated. For example, new rulemaking to establish clean water standards often engage technical experts, require economic and public health impact analysis, solicit community input, and include evaluations of impacts to wildlife. All of these pieces offer important perspective and ensure that all considerations of

establishing stronger clean water standards, as well as the impact of not taking action, are thoroughly vetted by decision makers. The process is not only valuable for ensuring that all viewpoints and impacts are considered, but it also prepares the public and impacted parties to be ready to implement new clean water standards once they are approved.

If the Supreme Court were to fundamentally change the process by which any challenges to our state legislative maps are adjudicated after so little public attention, the Court is unnecessarily politicizing that outcome. This would be especially true if the outcome of this rulemaking petition were to be handed down almost immediately before the process is set to begin. We believe the current process of establishing maps is sufficient, but believe that if the Court wishes to engage in rulemaking, it should undertake a thorough study of potential procedures and adopt a new rule well in advance of the 2030 census, to avoid appearances of partisanship. We respectfully ask you to reject Rule Petition 20-03.

Thank you for consideration of WCV's comments.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Giegerich". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jennifer Giegerich
Government Affairs Director, Wisconsin Conservation Voters

