

**THE LEAGUE OF WOMEN VOTERS OF WISCONSIN'S OPPOSITION TO THE  
WILL/JENSEN RULES CHANGE PETITION, No. 20-03**

**INTRODUCTION**

The League of Women Voters of Wisconsin (LWVWI) opposes the Wisconsin Institute of Law and Liberty (WILL) and Scott Jensen (Jensen)'s Rules Change Petition to Amend Wisconsin Statute 809.70, on Original Actions which is scheduled to be heard by the Wisconsin Supreme Court on January 14, 2020. The LWVWI strongly asserts that positions it has stood for the last 100 years will be seriously harmed if the WILL/Jensen Rules Change Petition is granted by the Wisconsin Supreme Court.

The League of Women Voters of Wisconsin (LWVWI) is a nonpartisan state civic organization currently with 2,916 members, representing twenty (20) local leagues throughout Wisconsin.<sup>1</sup> Our civic organization also promotes an open governmental system that is representative, accountable, responsive and capable of making sound decisions.<sup>2</sup> To this end, the League actively supports actions to protect the citizen's right to know, to facilitate citizen participation in government and to oppose major threats to basic constitutional rights.

The LWVWI's response is divided into two parts, specifically,

Part One: The League of Women Voters supports a fair rule-making process which is denied in the WILL/Jensen Rules Change Petition.

Part Two: The League of Women Voters positions and foundational principles will be harmed if the WILL/Jensen Rules Change Position is Granted.

**PART ONE**

**The League of Women Voters of Wisconsin supports a fair rule-making process which will be Denied by the WILL/Jensen Rules Change Petition**

Both congressional and state legislature district boundaries are drawn by the Wisconsin State Legislature with said maps subject to the veto by the governor. The rule-making process

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<sup>1</sup> The 20 local Leagues of Women Voters include the following: Appleton; Ashland/Bayfield County; Beloit; Dane County; Door County; Greater Chiippewa Valley; Greater Green Bay; Janesville, LaCrosse Area; Mainitowoc County; Milwaukee County; Northwoods; Ozaukee County; Ripon Area; Sheboygan County; Stevens Point Area; St. Croix Valley; Whitewater; Winnebago County; and Wisconsin Rapids. Clearly, the League of Women Voters of Wisconsin span this entire state and expect to be heard.

<sup>2</sup> The League of Women Voters of Wisconsin supports numerous policy positions, including but not limited to fair, secure elections, high-quality public education for all; a healthy population; strong transportation in communities; a fair tax system; a humane criminal justice system; and strong citizen input and government oversight. The LWVWI's statement in opposition to the WILL/Jensen Rules Change Petition will focus on some but not all of these positions that would be harmed if the Wisconsin Supreme Court grants the Petition. Granting such a petition prevents hearing from all the stakeholders who should have their voices heard on the ten-year redistricting of maps that will affect Wisconsin for the next ten (10) years.

and the deficiencies in the WILL/Jensen Rules Change Petition to which the LWVWI objects are as follows:

**Petition's Denial of the Adversarial Process:**

The Rules Change Petition 20-03 proposes two (2) additions to Rule 809.70 [subdivisions (4) and (5)] which would apply only to a “case which relates to the congressional and/or state legislative redistricting.” Original actions are deviations from ordinary procedural rules and have historically not been favored. The Petition requests the Wisconsin Supreme Court to “take jurisdiction of any [redistricting] case” and that any such petition “may be filed and is ripe anytime after the U.S. Census Bureau delivers apportionment counts to the President and Congress as required by law.”

Since the Republicans are in the majority in the legislature, the redistricting maps drawn by these legislators will reflect the district boundaries that protect incumbents, no matter what the new census data of 2020 dictates.

These legislatively drawn maps will more than likely be vetoed by Democratic Governor Evers who has proposed a People's Maps Commission, an independent, nonpartisan entity that will have public input and will be drawn without regard to incumbency. The inevitable result is a dispute over the maps which will then end up in litigation.

The WILL/Scott Jensen Rules Change Petition aims to circumvent the adversarial process since an original action at the Wisconsin Supreme Court would preclude a trial on redistricting maps submitted for consideration. A trial would provide for full discovery on all maps submitted to the trial court which would include all evidentiary matters, expert testimony and citizen engagement. Appellate review at the Court of Appeals would also be precluded. Without the fact-finding of the lower courts, the Supreme Court would be left to their own determination of the quality and appropriateness of the maps presented to the Court.

Further undermining of trust in the redistricting process will occur if the WILL/Jensen Petition is granted since one provision asserts that the Wisconsin Supreme Court retains authority to “alter...or dispense with those requirements,” thereby allowing the Court to disregard the processes and requirements set forth in the proposed rule itself, making the procedures optional. The result, of course, would not provide a clear, stable fair set of rules for the redistricting process to ensure fair maps.

To date, the Wisconsin Supreme Court has not promulgated the necessary rules specific to redistricting litigation and is therefore not in a position to evaluate and/or draw the maps for Wisconsin. Thus, the Supreme Court should not be the forum to decide on any future maps dispute in 2021 and should not grant this Petition.<sup>3</sup>

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<sup>3</sup> The Wisconsin Supreme Court ruled in a previous Jensen filing (*Jensen v. Wis. Elections Board*, 249 Wis. 706, 639 N.W. 2d 237 (2002)) that it had “no established procedure ...to assure the availability of a forum for future redistricting disputes” and deferred to the federal courts to hear the redistricting issue. The Court did state, however, that it would “initiate rulemaking proceedings regarding procedures for original jurisdiction in redistricting cases.” The Wisconsin Supreme Court subsequently appointed a committee of experts to “propose

## **Petition's Denial of "Matter of Right" Standing**

The WILL/Jensen's Rule Change Petition also delineates who is "an appropriate party" to engage in litigation about a maps dispute. The Petition defines the only "appropriate parties" to have standing "as a matter of right" to be political entities, namely, the Governor, the legislators and the political parties. All citizens, unions and organizations would not have standing as a "matter of right," as they had in the 1980, 1990 and 2000 legal challenges to redistricting disputes. This foreclosure of citizens' participation in the redistricting maps for the next ten (10) years cannot be allowed.

The League of Women Voters of Wisconsin objects to the WILL/Jensen Rules Change Petition on all these grounds since the Petition is directly contrary to all the positions for which the LWVWI stands. If granted, this Petition violates not only the adversarial process to which we are all entitled but all democratic participatory norms of our government. For all the reasons, the Supreme Court needs to deny this Petition

## **PART TWO**

### **The League of Women Voters' positions and foundational principles will be harmed if the WILL/Jensen Rules Change Position is Granted.**

The Legislative Committee of the League of Women Voters of Wisconsin focuses on Wisconsin legislation and policy and provides recommendations for action concerning state legislation, regulations and policies that promote or impede the LWVWI's goals. Committee members bring a wide range of experience and knowledge to their work. Some have experience with the state legislative process; others have advocated about an issue through another organization or in an academic setting, all concerned about the impact of state policies on our communities. The Legislative Committee has a dual role of directing the actions of the LWVWI lobbyist, as well as helping to facilitate civic engagement by all League members. The League is well-known for its well-reasoned public policy positions at the local, state and national levels, all the result of a process whereby League members have studied an issue or problem and arrived at a consensus for a recommended position. The collaborative work of the League involves committee members to follow and/or attend meetings of coalitions and organizations relevant to their work. Reciprocal benefits result from the research of other groups and advocacy strategies while bringing attention to the League's efforts and positions.

The WILL/Jensen Rules Change Petition, if granted, would impede the positions and efforts of the League of Women Voters to facilitate civic engagement with regard to the redistricting of Wisconsin's maps in several significant ways.

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procedural rules in the event that due to legislative impasse, an original action challenging existing districts would be filed and accepted." After surveying the public and holding two (2) administrative hearings (one on April 8, 2008 and the second on January 22, 2009), the Wisconsin Supreme Court rejected the committee's proposed process to promulgate procedural rules specific to redistricting litigation.

**LWVWI Position #1**  
**Support for an Open, Accountable and Responsible Governmental System**

The structure, procedures and practices of the Wisconsin legislature must be characterized by accountability, responsiveness, sound decision-making capability and effective performance.

Accountability: A legislature is accountable when it is responsible to the citizens and is able to hold its own leaders, committees and members responsible for their actions and decisions.

Responsiveness: A legislature is representative when its leaders, committees and members represent the state as a whole as well as their own districts.

Decision-making Capacity: A legislature has sound decision-making capacity when it has sufficient knowledge, resources and power to make decisions that meet state needs and can reconcile conflicting interests and priorities.

Effective Performance: A legislature is able to function in an efficient manner with a minimum of conflict, wasted time and duplication of effort.

**Denying the Rules Change Petition Will Protect an  
Open, Accountable and Responsible State Government**

The Wisconsin Legislature has not met for seven (7) months. That by itself is an abdication of responsibility and duty to the people of Wisconsin.

**Rick Esenberg's Argument for the  
Sole Vesting of Legislative Power in the Legislature**

Attorney Rick Esenberg of the Wisconsin Institute for Law and Liberty (WILL), one of the plaintiffs in the Rules Change Petition, has filed a "Non-Party Motion and Brief of Amici Curiae of Derek Lindoo, Brandon Widiker and John Kraft for Oral Argument Time in *Fabick v. Evers*, Case No. 20AP1718-0A. He argues that the non-delegation doctrine must be upheld by the Wisconsin Supreme Court "because Wisconsin's Constitution clearly vests the legislative power in the Senate and Assembly along" (Wis. Const Art. IV ,Sec. 1) and thus all Governor Evers' emergency orders regarding public health during the pandemic pursuant to Wisconsin Stats. Secs. 323.10 and 323.12, violate the separation of powers and are therefore unconstitutional. The thrust of his argument is that "the sole vesting of the legislative power is in the Legislature...a sounder protection of individual liberty" that must be protected against executive encroachment through the non-delegation doctrine. (Brief 15).

While this argument is consistent with the Wisconsin Constitution, it ignores the salient fact that the Wisconsin Legislature refuses to meet and thereby is not exercising any "legislative

power.” Rather it has abdicated all semblance of responsibility and has not been accountable to the people of Wisconsin for seven (7) months.

In his brief in the *Febrick v. Evers* case, Esenberg argues that Governor Evers has “overstepped his delegated authority” and that the orders he has issued needed “an affirmative vote of the Legislature” (Brief, 20) Esenberg argues that Governor Evers had other options:

He [Governor Evers] could propose specific legislation to the legislature to deal with the problem on a long-term basis [the statutory 60-day limit for emergency orders] or he could instruct one of his agencies to promulgate lawful administrative rules to deal with the problem.. If he thought he needed more time to do these things he could also ask the Legislature to extend the state of emergency past 60 days. Or he could leave it to local governments to address COVID-19 via powers properly delegated to them by the Legislature by statute (Brief 21).

Of course, any and all of these options require that the Legislature would choose to meet and responsibly set forth the facts and the criteria against which to measure the facts and make policy judgments (Brief 17-18). But unfortunately for the people of Wisconsin, the Legislature has not met since April 2020.

The lack of a state response to the health crisis in Wisconsin has been flagged by Justice Kagan in her Dissent to a recent 2020 election case at the United States Supreme Court, *Democratic National Committee, et al v. Wisconsin State Legislature*, No. 20A66, 592 U.S. \_\_\_\_ (2020). She argued that the Court has said that “the design of electoral proceedings” is a solely “legislative task” and that “to be sure, deference is usually due to a legislature’s decisions about how best to manage the COVID pandemic” (Dissent 9). She argues, however, that “deference to legislatures should not shade into acquiescence” (Dissent 7), referring to the Wisconsin legislature, as follows:

But the Wisconsin legislature has not for a moment considered whether recent COVID conditions demand changes to the State’s election rules; that body has not even met since April.

Her reference to the inaction by the Wisconsin legislature was from an article by Litke, Fact Check: Wisconsin Legislators Have Gone About 6 Months Without Passing a Bill” USA Today, October 7, 2020, which stated:

Wisconsin lawmakers have been among the least active in the country, according to a database of all COVID-related legislation across the country maintained by the National Conference of State Legislatures (Dissent 7).

Unfortunately, our Wisconsin legislature believes it does not have to respond to its duly elected Governor nor to its citizens since the Republican legislators are in “safe” seats and apparently need not fear any repercussions for its inaction. And it appears that the Wisconsin Legislature has no intention of holding any public hearings soon. When shown Evers’ COVID proposal on November 16, 2020, Assembly Leader Robin Vos said that the Governor had “doubled down on more of the same” proposals. Clearly, these are legislators who appear to believe they are

protected from losing their seats and therefore assume that they do not have to be responsive and accountable to an infected populace in Wisconsin.

The Wisconsin Supreme Court should not enable this non-responsive legislature which with its Rules Change Petition, intends to circumvent the adversarial procedure and standing requirements in flagrant disregard for citizen participation and an open and accountable government.

**LWVWI Position #2**  
**Support for Constitutional Rights**

In order to accomplish our constitutional right to empower the people over the government, Article 1, Section 2 of the United States Constitution provides for the Census: “Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers...The actual enumeration [of population] shall be made...within every subsequent term of ten years, in such manner as they shall by law direct.”

The Census Clause “reflects several important constitutional determinations: that political power would shift every (ten) 10 years to reflect population changes. The Census is a constitutional right that needs to be honored by the state legislature in its redistricting process.

**Denying the Rules Change Petition Will Protect**  
**Citizens’ Constitutional Rights**

The redistricting that the state legislature did in 2011 based on the 2010 Census did not empower the people over the government. In fact, what the state legislature did in 2011 was the exact opposite of empowering the people. Rather, the legislators chose to do the public’s business out of the view of the public. Using past election results to design districts, the Republicans were asked to sign non-disclosure agreements and Democrats were locked out of the drawing session and had no input on the new districts. The Committee on Senate Organization then introduced the maps on July 11, 2011 and held only one public hearing just two days later on July 13, 2011. The maps passed on a party-line vote and were subsequently signed by Republican Governor Scott Walker less than one month after the bill’s introduction. (See *Urban Milwaukee*, Wisconsin Center for Investigative Journalism, by Cathleen Draper, June 2, 2018).

Unbeknownst to most Wisconsin citizens, the Republican legislators were a part of a national Republican strategy known as “REDMAP” a nationwide effort to gain a Republican majority in state and national elections.<sup>4</sup>

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<sup>4</sup> REDMAP uses sophisticated digital mapping technology which allowed Republican legislators in Wisconsin to draw lines favorable to the party. Technologies, including Mapitude, RedAppl and autoBound, are so advanced that

Thus, the Republican legislative members empowered themselves to exclude the voices of the people of Wisconsin and retain their power for the last ten (10) years.<sup>5</sup> A 2017 report by the Wisconsin Legislative Reference Bureau, a nonpartisan state agency, said redistricting becomes gerrymandered when lines are drawn “by the party in power in a manner that intentionally discriminates and disadvantages the opposing political party...to ensure political gain.” Our Wisconsin legislature, as the party in power and as part of the REDMAP strategy, intentionally set out to disadvantage Democrats and spent \$1.1 million in Wisconsin in its effort to establish a Republican majority in the Legislature.

The Republicans were quite successful in their strategy. The result of this secretive and undemocratic process is that Wisconsin in the last ten (10) years is one of the most gerrymandered states in the nation.

The Wisconsin Supreme Court must deny the WILL/Jensen Rules Change Petition in order to put an end to the power-play that the Wisconsin legislature enacted ten (10) years ago. This gerrymandered process cannot be repeated again.

**LWWWI Position #3**  
**Support for Citizens’ Right to Know and**  
**Citizen Participation in State Government**

Our individual liberties are guaranteed by the Wisconsin Constitution and the United States Constitution. These individual rights that are protected by our Constitutions should not be weakened or abridged. The rights and responsibilities of individuals and groups include the right to oppose any government actions that weaken or abridge the individual rights guaranteed by our Constitutions. The responsibility of state officials is to uphold their oath of allegiance to the Constitutions by protecting the individual rights of their constituents in the face of any state laws that weaken or abridge them.

**Denying the Rules Change Petition is Necessary for Participatory Government**

The WILL/Jensen Rules Change Petition was filed by a partisan entity and individual so that the legislature draws the redistricting maps in 2021 without input from citizens. To have the redistricting issue heard only by the Wisconsin Supreme Court is a request for a governmental action that weakens and abridges the individual rights of our citizens that are guaranteed by our Constitutions. A redistricting process that does not include the voices of Wisconsin citizens is an abdication of legislative officials to uphold their oath of allegiance to the Constitutions. To

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legislators can draw lines down to the exact home. Mapping technology further allows legislators to view multiple versions and select the most favorable one. (See Wisconsin Center for Investigative Journalism under the direction of Dee J. Hall, the managing editor).

<sup>5</sup> The gerrymandered maps worked as designed. 2012 results showed a 174,000-vote margin in favor of Democrats running for Assembly; however, Republicans took the Assembly, maintaining a hold on the majority with 60 of the 99 seats but only 46 percent of the vote. In 2014, Republicans won 63 seats with only 52 percent of the two-party vote. Then in 2016, the Republicans won a narrower margin of votes but won an even larger share of seats.

circumvent citizen involvement in the redistricting process through its Petition to the Wisconsin Supreme Court is a violation of their duty to the citizens of this state.

The League strongly supports citizen participation and access to all levels and steps of the redistricting process. Citizens need to have faith in their legislature and should be choosing their representatives rather than the politicians choosing their voters. Transparency is essential for public trust in government, both in our legislature and in our court system and specifically in our Supreme Court. Partisan gerrymandering maps that are drawn without public participation erode the public trust since all crucial life decisions passed by the legislature, whether for voting, health care, or the environment, to name a few, are no longer based on what the public needs.

The League of Women Voters of Wisconsin supports the people of Wisconsin who have made it clear that they will no longer tolerate being left in the dark while the legislature draws the redistricting maps as it did in secret in 2011. Many individuals and civic organizations are making their voices heard.

### **A Move in the Right Direction** **The Dane County Redistricting Commission**

The Dane County Supervisors created a nonpartisan commission of eleven (11) members from the community. Several members from the League of Women Voters are members of this Commission.

Within thirty (30) days of census data becoming available, and no later than May 15, 2021, the Commission shall propose a tentative county supervisory district plan and map, guided by criteria set forth in statute. The Commission will then develop up to three (3) maps for consideration by the County Board. If none of the maps submitted by the Commission are adopted by the county board, the maps shall be re-referred to the Commission which shall have the opportunity to submit an amended map to the county board.

This commission is mandated to follow the usual requirements for districting maps, namely, regularly scheduled apportionment based primarily on population equality, but also with consideration of the compactness and contiguity of districts; representation of diverse populations; and in so far as possible, recognition of community of interest as defined by town, village, city, county or ward boundaries and major geographical characteristics are all necessary for an open governmental system.

Most importantly, the Dane County Redistricting Commission has one additional requirement that the state legislature did not follow in the drawing of the 2011 maps and that is ***districts shall be drawn without regard to incumbency.***

Also important is that the mapping process shall include opportunities for the public to submit map proposals for consideration. The Dane County Redistricting Commission meetings are open to the public and there will be a sharable link with the public for input throughout this entire redistricting process. No longer are the legislators the only ones to determine what the



maps will look like and no longer will the legislators be able to keep their process secret from the public.

### **The Fair Maps Coalition**

The League of Women Voters is a member of the Fair Maps Coalition which is comprised of organizational leaders from member groups all working to fight partisan gerrymandering and to promote independent redistricting. In addition to the League, other civic groups included in the Fair Maps Coalition are the Fair Elections Project, Citizen Action of Wisconsin, Wisconsin Voices, the Center for Media and Democracy, the Wisconsin Democracy Campaign, Common Cause, Wisconsin League of Conservation Voters, to name a few.

Recent work focused on supporting the Hansen/Vining bills (SB288/AB303) to make the redistricting process independent; educating the public about the consequences of rigged maps and partisan gerrymandering; insisting the legislature redraw the maps in 2021, following the Census, in an open and transparent manner; and demanding the legislature stop wasting money on high-priced lawyers and consultants to draw and defend unfair and unrepresentative maps.

### **Wisconsin Voters Support Independent Nonpartisan Redistricting**

Not only are citizens going to be able to have input into the redistricting maps drawn for Dane County, but the people of Wisconsin are weighing in on the issue of independent, nonpartisan redistricting. The League of Women Voters was instrumental in supporting participatory government in the 2020 election.

In the November 2020 election, eleven (11) countywide advisory referenda in favor of nonpartisan redistricting passed in diverse communities around Wisconsin with an average win of 67.9% in the counties. The counties in which these referenda were passed include Adams, Bayfield, Brown, Crawford, Door, Dunn, Iowa, Jefferson, Kenosha, Rusk and Waushara. These referenda passed by margins as large as 77.1% to 22.9% in Bayfield County to the lowest of 57.4% to 42.6% in Rusk County. This result now means that twenty-eight (28) of the state's seventy-two (72) counties have now passed referendums which are all pleas to the state legislature to change our current partisan system.

Three more municipalities (Barron, Land O'Lakes and Racine) joined sixteen (16) other municipalities that have passed the referenda in previous elections.

In addition, an additional thirty-four (34) county boards of all political persuasions have passed resolutions to change the way we draw political boundaries for legislative and congressional offices. (See Dave Zweifel, "Plain Talk: Wisconsin Voters Want Fair Maps," *The Capital Times*, Nov. 8, 2020).

Yet, the Republican-controlled Wisconsin legislature has refused to even hold a public hearing on bills that have been introduced to create a nonpartisan body to draw new political

boundaries following the new census. In essence, the legislators who are gerrymandered into “safe” districts for their party have effectively disenfranchised thousands of voters.

The League of Women Voters of Wisconsin supports and helps facilitate all efforts that promote that the people of Wisconsin are to be heard. All individuals and civic groups must be included as “appropriate parties” who have standing as “a matter of right” in any litigation of a redistricting maps dispute and to be heard in fact-finding venue of a trial with review in the Court of Appeals. It is our right as citizens to be actively involved in any litigation that ensues in our court system.

### **Wisconsin Voters Support a Nonpartisan Redistricting Commission**

The voters of Wisconsin made their voices heard in the 2020 election regarding support for a nonpartisan redistricting commission. The League of Wisconsin of Wisconsin again was instrumental in working toward making redistricting a salient issue.

The results of the November 2020 election in Wisconsin demonstrate that voters in eleven (11) counties show support for a non-partisan redistricting commission and for years have been saying they want to ban gerrymandering in Wisconsin. According to Matt Rothschild, Executive Director of the Wisconsin Democracy Campaign, in an interview with Channel 3 on November 9, 2020, “the people across ideological lines want to end gerrymandering because they don’t want politicians of either party to be able to manipulate maps to keep themselves in power,” and that the people believe that “gerrymandering is wrong whether Democrats are doing it or Republicans are doing it.”

By way of contrast, many other states have been able to wrest the redistricting process away from the legislature because they have successfully created Independent Redistricting Commissions, a process which has been declared constitutional by the United States Supreme Court in *Arizona State Legislature v. Arizona Independent Redistricting Commission et al*, 576 U.S. \_\_\_ (2015). In this case, the United States Supreme Court has held that “redistricting is a legislative function to be performed in accordance with the State’s prescriptions for lawmaking, which include the referendum.” The neighboring state of Iowa delegates line-drawing to an independent legislative agency which must disregard political objectives and conduct public hearings to ensure Fair Maps. The Iowa legislature is compelled to vote up or down on the agency’s maps without amendments.

Despite the growing support to remove the redistricting process out of the politicians’ hands and into the citizens’ hands where it belongs, this referenda process is not open to the people of Wisconsin. A legislature’s performance is effective when its constituents believe they are being serviced. Unfortunately, the WILL/Jensen Rules Change Petition is contrary to what is being demanded in Wisconsin.

### **Wisconsin Voters Support the Governor’s People’s Maps Commission**

In response to the people of Wisconsin, Governor Evers has created the People's Maps Commission as a nonpartisan commission that would draw maps that the legislature could approve. The League of Voters of Wisconsin supports this Commission. Virtual meetings are being held across the state once a month open to the public to allow citizens to voice their views of how the legislature has impeded the redistricting process and voiced support for the Commission to draft the maps for 2021.

The Republican-controlled legislature has not agreed to sign off on the maps drawn by the People's Maps Commission. Rather, at the State of the State address, Assembly Speaker Robin Vos, R-Rochester, said "The constitution requires the legislature to have a process. We will do that when the time is right, but what Governor Evers is trying, again, to find a way to draw divisions in our state rather than bringing people together by actually sitting at the table and working together." (See Channel 3, "More Voters Show Support for Nonpartisan Redistricting Commission," Nov. 9, 2020).

So clearly, Robin Vos believes that the "legislative process" to which he refers is the correct way to draw the maps again and that the People's Maps Commission is designed to "draw divisions in our state." Of course, having public hearings and people's input about not being heard by this legislature is *not drawing divisions in our state, but allowing for the people of Wisconsin to have a voice in the maps drawing.*

Since the Republican legislature does not view the People's Maps Commission as legitimate, litigation appears inevitable. And the only way the public input will be heard is before a fact-finding court with expert witnesses speaking to the validity of the People's Maps without reference to incumbency versus the legislatively drawn maps based on incumbency. It is this very adversarial process that the WILL/Jensen Rules Change Petition is seeking to circumvent. This attempt at undermining public input on redistricting must not be allowed by our Wisconsin Supreme Court.

### **Wisconsin Voters Support Public School Referenda**

Unlike the gerrymandered state legislature, other parts of our political system are, for example, responsive to community needs with strong support from the people of Wisconsin with school referenda. The League of Women Voters supports high quality public education for all.

In the 2020 election, The Wisconsin Policy Forum (WPF), in a report titled "Wisconsin Schools Referenda Rise Above Economy, Politics," states that school district lines and political divides have not prevented passage of local referenda, despite a challenging economic period. Forty-three (43) out of fifty-one (51) referenda received approval in the November 2020 election, continuing a trend for Wisconsin. In fact, in the last four (4) elections since 2016, the approval rate for referenda in any single election has hit 70%.

Clearly, voters are moved by local issues and concerns and despite voting to increase their property taxes to help schools, voters are responsive to referenda that let the voters' voices be heard. These election returns on school referenda did not reflect the Democratic and

Republican split that is evident in our legislature which is very indicative of why voters should be allowed to be heard legislatively so Wisconsinites can participate fully in our democracy.

### CONCLUSION

The people of Wisconsin will no longer be silent. Secrecy and lack of transparency can no longer be a part of our Wisconsin government. The WILL/Jensen Rules Change Petition would foreclose the voices and will of the people of Wisconsin. The people of Wisconsin who are stakeholders in our state government demand that the last ten (10) years not be repeated and the gerrymandered maps of Wisconsin end. The Wisconsin legislature must be responsive and accountable to all of us.

The League of Women Voters is a public advocate for independently drawn representative maps without regard for incumbency for Wisconsin. Should litigation ensue, an adversarial process of fact-finding and testimony wherein all individuals and organizations have standing as a matter of right is necessary for open government in Wisconsin.

For all these reasons, the League of Women Voters of Wisconsin requests that the Wisconsin Supreme Court deny the WILL/Jensen Rules Change Petition, No.20-03.