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

FILED

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**CLERK OF SUPREME COURT
OF WISCONSIN**

November 20, 2020

Re: Request to Deny Wisconsin Institute for Law & Liberty's Petition for Proposed Rule to Amend Wis. Stat. § 809.70

Honorable Justices,

I strongly urge you not to approve the rulemaking petition by the Wisconsin Institute for Law & Liberty ("WILL") to bypass federal or state trial courts and limit evidence in reviewing Wisconsin's district boundaries. Approving WILL's request would severely undermine our state's democracy in two ways: 1) by cutting off the route to neutral maps and thus fair elected representation, and 2) by weakening confidence in the Wisconsin Supreme Court.

It is absolutely imperative for our democracy that nonpartisan district map-drawing, which is demanded by overwhelming majorities of Wisconsinites (regardless of their party), be allowed to take place in our state. For this to happen, the process of map-drawing must be careful, thorough, nonpartisan, and able to transparently demonstrate its care, thoroughness, and nonpartisan nature. In other words, the evidentiary record needs to be complete and public. WILL's request is intended to fast-track legal reviews and minimize opportunity for evidence-gathering and public input and review. Wisconsin's democracy deserves careful protection, not rushing and hiding.

Wisconsinites are well aware of past legislative attempts to rush and hide while creating biased partisan maps in secret rooms. Furthermore, Wisconsinites are no longer ignorant of the reality and harm of gerrymandering. In our November 3 election, 14 county and municipality fair maps ballot measures won by an average of 70%. Similarly, a 2019 Marquette Law School poll found that 72% of Wisconsin voters prefer that a nonpartisan commission carry out the redistricting. Membership and action are increasing among grassroots fair maps advocacy groups. Public awareness and desire to end gerrymandering is growing. Wisconsinites see gerrymandering reform occurring all over America. We see the neutral Iowa model working successfully right next door. We know it is time for Wisconsin to reform its maps, and we are talking to each other and reading the news about it. Wisconsinites are paying attention to the Court's action on this request. We care that the Court protects the fair process of any litigation related to district map-drawing.

To approve WILL's request, therefore, would undermine the Court by diminishing Wisconsinites' confidence in our Supreme Court as a nonpartisan administrator of justice. Approving WILL's request would give the impression that the court is taking sides in a partisan

battle. Wisconsinites would see the Court's approval as a nod to Republican attempts to avoid lower court proceedings and sidestep consideration of arguments by groups other than elected officials and political parties. The Wisconsin public also recognizes that WILL's proposed rule would allow the Court to disregard the processes and requirements set forth in the rule itself, making the procedures optional and the playing field uneven. It would appear plainly to the public that the Court could create or approve maps without an inclusive legal process involving transparency and the necessary fairness, evidence, public input, testimony, and review by multiple courts. Wisconsinites would perceive the Supreme Court as shortchanging democracy in exchange for political gain.

For these reasons, I respectfully urge that the Court must deny WILL's request and ensure that democracy, and faith in democracy, are upheld in Wisconsin. Thank you for considering this comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tess Carr', with a long, sweeping flourish extending to the right.

Tess Carr
Lodi, Wisconsin