

VIA EMAIL AND U.S. MAIL

November 30, 2020

Attn: Clerk
Wisconsin Supreme Court
P.O. Box 1688
Madison, WI 53701

Re: Rule Petition 20-03

Honorable Justices of the Wisconsin Supreme Court:

Planned Parenthood Advocates of Wisconsin (PPAWI) writes in opposition to Rule Petition 20-03, a proposed rule related to original jurisdiction in redistricting litigation. As an organization with supporters across the state of Wisconsin, we oppose this petition as both unnecessary and harmful.

PPAWI advocates on behalf of our supporters to ensure that family planning and reproductive health care services are available and accessible to everyone who wants and needs them. This advocacy extends beyond policies that directly relate to the provision of reproductive health care. It includes everything from economic policies like paid leave and affordable childcare, to voting rights and justice in our communities. PPAWI advocates to maintain and expand access to quality, affordable reproductive healthcare at Planned Parenthood of Wisconsin's 24 health centers around the state. We lobby state legislators and empower our supporters to do the same. An elected legislature that represents Wisconsinites, including our supporters, is key to advancing the policies we care about.

We believe this proposed rule is problematic for several reasons:

1. **It cuts Wisconsinites out of the process: individual citizens and nonpartisan organizations should have the same rights as political parties to be heard in any challenge to redistricting.** The proposed rule prioritizes the intervention of, and therefore the voices of, political parties. Our supporters cross party lines and some do not identify with any political party at all. Their interests are not adequately represented by political parties and elected officials. Adopting a rule that does not guarantee a voice to citizens, individually and through nonpartisanship organizations they choose to affiliate with, makes no sense and does not serve the best interests of Wisconsinites.

Planned Parenthood Advocates of Wisconsin

2. **It encourages the Court to step in, before the political branches have an opportunity to draw new maps and to compromise.** We get it, lately compromise within the Legislature, and between the legislative and executive branches seems hard to come by. But this rule would encourage that disfunction and take away any incentive for those branches to work together. It won't be like this forever. Wisconsin's constitution assigned the primary role in redistricting to branches other than the judiciary, and the Court should not attempt to alter that designation now, just because times are tough. A rule on original jurisdiction for redistricting cases can't only consider the current moment: it must respect, and strive to enforce, separation of powers in our government.

3. **It puts the weight fact-finding on one judge or referee, instead of a panel of judges.** The federal courts who have evaluated redistricting disputes in recent decades have used panels of 3 judges to decide that litigation. This reduces potential charges of political partisanship based on appointments or affiliations of a single judge. It also allows for facts to be found by a more diverse body, for example, judges from different parts of the state, presumably familiar with different communities of interest. The proposed rule places the entire weight of fact-finding, if there is any, on a single individual, and allows for little, if any, real review of that individual's determinations.

The Court does not need to adopt this rule, which will do nothing to mitigate the challenges of redistricting in Wisconsin and risks degrading public respect for a nonpartisan, neutral institution. We urge the Court to reject this proposal, particularly in light of the limited window for public comment and consideration by the justices. Adopting new rules now will surely make redistricting in 2021-2022 more contentious, partisan and the target of public scrutiny.

Thank you for this opportunity to comment.

Respectfully submitted,



Mike Murray
Executive Director
Planned Parenthood Advocates of Wisconsin