



**STATEMENT OF THE LEAGUE OF WOMEN VOTERS OF DANE COUNTY AND WISCONSIN  
IN OPPOSITION TO RULE CHANGE PETITION 20-03  
January 14, 2021**

I am Joan I. Schwarz on behalf of the League of Women Voters of Dane County and Wisconsin with its 3000 members in opposition to the Jensen Petition. I am an attorney and am currently serving on the nonpartisan Dane County Redistricting Commission for 2021.

As Madison argued in The Federalist Papers, majority factions can only be controlled by the constitutional principle of the “necessary partition of power.” The institutional integrity of and respect for our separation of powers in Wisconsin are at issue today. I briefly reference the most relevant issues:

- 1) First, Petitioners erroneously argue the need for urgency to avoid federal jurisdiction BUT the door to the issue of partisan gerrymandering was closed by the United States Supreme Court in *Rucho v. Common Cause* in 2019, holding it to be a “Political Question.”
- 2) Second, in response to the legislature drawing the maps in secret and then destroying the records, the public today is laser-focused on this issue. More than 80 percent of Wisconsin’s population have passed resolutions or referenda for nonpartisan redistricting and more than 70% of Wisconsinites prefer a nonpartisan commission conduct redistricting which this Legislature rebuffed in April 2020.
- 3) To that end, public hearings across the state are being held in response to Governor Evers’ People’s Maps Commission. Yet disrespectfully, Petitioners argue that the Governor’s Commission is “turning up the heat” “to compete with” the legislatively-drawn maps.

Assembly Speaker Robin Vos also dismissed the Commission as “just Democrats rallying their base. This is not something that actually has a huge appeal to anyone outside of the “Democrat activists.” Similarly, when the U.S. District Court struck down the 2011 gerrymandered maps, Representative Vos justified the Republican majority as “Republicans [winning] elections because we have better candidates and a better message that continues to resonate with the voters.”

As this Court held in 1962, it is “unreasonable to exclude the one institution guaranteed to represent the majority of the voting inhabitants of the state—the governor—who has been elected by the entire state.”

- 4) Third, Petitioners expect this Court to accept jurisdiction right after the U.S. Census Bureau delivers counts to the President and Congress for the apportionment of

congressional seats among states. This is before there is even a case or controversy since Wisconsin will have not received its data and the counties will not have revised their supervisory districts and municipalities their ward maps. And the Legislature will not have even submitted its maps. Ripeness is a prediction that something will go wrong in the future but does not give standing today.

- 5) Fourth, Petitioners also disrespect the public as stakeholders, stating that the “proper” stakeholders to have standing as a “matter of right” are only the politically preferred entities of the legislature, the governor and political parties

However, Wis. Stat. 803.09 requires that a “movant” who has an interest in a transaction and is so situated that the disposition of the action as a practical matter impairs or impedes that movant’s ability to protect his or her interest is to have standing.

- 6) Fifth, Petitioners base much of their argument on the 2002 Jensen Petition for original action but then inexplicably fail to mention that this Court rejected that Petition in 2009 after a seven-year study by a Redistricting Commission.

While “Original Action” jurisdiction is for issues of “statewide” concern, redistricting is not “rare” or “exigent” and it is amenable to the traditional legal process, contrary to Petitioner’s arguments. It requires a factually-driven process with highly knowledgeable and sophisticated statistical and demographic expertise. The Minnesota “least-change strategy” to “simply modify” the existing 2011 maps that Petitioners suggest would further entrench gerrymandering in this state.

Political compromise is also foreclosed between the legislature and executive with Original Actions.” As Justice Hagedorn has said, it reduces the opportunity of “letting things develop through the court system, [giving] the Supreme Court the benefit of other judges’ thoughts and litigants the opportunity to sharpen and focus arguments before they are made at the Supreme Court.”

Chief Justice Roggensack’s statement in 2009 was prescient then and accurate yet today: “Redistricting is a huge danger to put on the Court’s plate and a danger we do not need to accept. By inserting ourselves into the actual lawmaking function, the public cannot help but perceive us as less impartial and perhaps question our impartiality on other matters.”

The League of Women Voters of Dane County and Wisconsin strongly urge this Court to deny this partisan Petition as it disrespects the integrity of the necessary partition of the legislative and executive powers and the rightful demands of the Wisconsin public.