

Fair Elections Project

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Fair Elections Project Director's Testimony at WI Supreme Court

MILWAUKEE— Fair Elections Project Director Sachin Chheda offered the following testimony at today's Wisconsin Supreme Court hearing on proposed rule 20-03, an effort to pre-rig the legislative map-drawing process for the next decade.

"Madam Chief Justice, Honorable Justices, thank you very much for the opportunity to present feedback on proposed Rule 20-03. I have not personally submitted any written response to the proposed rule, so you'll be glad to know there's no risk of my repeating myself. I'd also note that I'm not an attorney, I'm a citizen activist, and today I represent the nonpartisan Fair Elections Project, an organization that advocates for an end to partisan gerrymandering.

"The keyword for my testimony today is going to be "confidence." This rule proposal is an excellent opportunity for this Court to instill renewed confidence in our judicial system and our entire system of government. By rejecting this rule, the Court can insist on its proper, modest, role in our nation and our state's political battles. If the Court adopts this rule, it inserts itself unnecessarily, prematurely, and immodestly, into a political debate.

"The Court knows this, as it previously examined its role in the process, and decided correctly that the Wisconsin Supreme Court is an inappropriate place to serve as the fact-finding court and to litigate an original action on maps.

"Please note that we don't suggest that there is no role for the Wisconsin State Supreme Court or for lower state courts. We clearly anticipate there to be multiple federal and state lawsuits to be filed to litigate the myriad issues that will be raised by the redistricting process. But we have a regular process in place where citizens can obtain relief, and in redistricting, there will be plenty of time to litigate, as the first statewide election under partisan district lines won't take place until August of 2022. If there are state issues, litigants can file in Circuit Court, fact-finding can take place, and then the case can wind itself through our legal system, reaching you only if necessary.

"Also, in the federal courts, they have a well-established process and tremendous experience in redistricting litigation. Three times in the last four decades, federal courts have drawn the maps and done so very competently.

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“Let me also just note for the record that I understand that the Supreme Court, no court, should be an outcome-driven entity. Your job is to ensure the process is followed, the law is upheld, and that rights of individuals and groups are upheld. While you’re a non-political, nonpartisan body, it is important that you continue to instill confidence that is the case.

“If you adopt this rule, it’s my humble view that you’d be seen as a partisan body. The rule is presented by the state’s top right-wing lawyer and a partisan activist former Speaker of the State Assembly. Since I’m myself often a partisan activist, I understand where they are coming from.

“But rather than try to short-circuit the process, I think the public’s confidence is strengthened if they see a redrawing process that adheres to normal order. I’m not asking for special treatment. I’m asking that the public be able to see every step of the drawing, and utilize our honorable justice system fairly.

“I, and the thousands of citizens across the state, both Republicans and Democrats, who have spoken up on this issue, want a fair, open, transparent, honest redistricting process.

“If there’s one thing the last few weeks have taught us, it’s that the vast majority of Americans demand less partisanship and less divisiveness. We want a government that adheres to the law, that is more responsive to the people, not to special interests, and that doesn’t treat people differently based on their political views.

“I urge the Court to reject this rule so we can have a nonpartisan, transparent, fair and independent redistricting process.”

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About the Fair Elections Project

The Fair Elections Project is fighting for fair redistricting around the country by inspiring and supporting litigation, legislation, and public advocacy to stop partisan gerrymandering. The goal is to end map-rigging, so that instead of politicians choosing their voters, voters can choose their elected officials, and elections will again be meaningful.

Keep up with the Fair Elections Project on the web at www.fairelectionsproject.org, on Facebook.com /WIFairElections, and on Twitter at @WIFairElections and @FairElections.