



**The League of Women Voters of Dane County, Inc.
General Meeting and Public Forum**

Topic:

**Improving Voting in Wisconsin:
Proposals to Enhance Early Voting
and to Make Redistricting Less Partisan**

Speakers:

Robert Ohlsen, Dane County Clerk,
Dane County Government

and

Ken Mayer, Professor, Department of Political Science
University of Wisconsin - Madison

When:

Wednesday, March 3, 2009, 7 p.m.

Where:

**The Capitol Lakes Grand Hall
333 West Main Street in Downtown Madison
Free Parking in Ramp Available Across the Street**

Study Materials, prepared by Priscilla Thain and Carol Dutton:

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The League of Women Voters of Dane County, Inc.

March 2010 Study Materials.

Improving Voting in Wisconsin:

Proposals to Enhance Early Voting and to Make Redistricting Less Partisan

Discussion Questions:

1. Do the GAB's recommendations on Early Voting go far enough to improve the public's access to voting?
2. After the next Census, who is impartial enough to draw the districts in a fair manner?
3. What criteria should be used to draw the districts?

Early Voting in Wisconsin

Background

In Wisconsin, Election Day, November 2008 ran smoothly. The days leading up to the election, however, were not necessarily trouble-free. Due to the large volume of voters who cast their ballots before Election Day, there were a number of problems for people voting or clerks processing in-person absentee ballots. First, there were long lines, some lasting between 2 and 5 hours, for voters waiting to cast their ballots at the clerk's office. Second, many clerks and staff had to work late into the night on election eve to enter voter registrations and absentee applications in the Statewide Voter Registration System (SVRS), and prepare absentee ballot logs for the next day. In a few cases, municipalities were unable to enter all of their absentee applications on election eve, and found themselves playing catch up, entering absentee applications in SVRS even as they tried to administer voting on Election Day. As a result of these problems, the Government Accountability Board (GAB) began a study of early voting in November 2008 to determine whether early voting in Wisconsin could increase voter satisfaction, maintain the integrity of the voting-counting process, relieve the workload of local election officials, and control election costs.

On December 17, 2009, after receiving comments from the public, the Government Accountability Board released a report of their recommendations for changes to absentee voting, "Early Voting in Wisconsin."

Highlights of GAB's recommendations:

- Moving the start of in-person absentee voting from 30 days to 20 days before the election.
- Moving the deadline for no-excuse in-person absentee voting from 5 pm the Monday before the election to 5 pm the Friday before the election. Voters could still vote absentee until 5 pm Monday if they sign an affidavit stating they are unable to make it to the polling place on Election Day. Until 2000, all absentee ballots applications required an excuse.
- Allowing for multiple in-person absentee voting locations outside of – or in addition to – the municipal clerk's office.
- Replacing the absentee application with a sign-in sheet for in-person absentee voters.
- Removing the certification and signature requirements for the in-person absentee envelope, while implementing the use of a simplified ballot security envelope.

Before implementation, these recommendations will need to be approved by the legislature and the Governor. See www.elections.status.wi.us for the full report.

Testimony for GAB Hearing on GAB's Recommendations for Changes to Absentee Voting in Wisconsin

Testimony given by Andrea Kaminski, Executive Director, League of Women Voters of Wisconsin Education Fund, December 17, 2009

Thank you for this opportunity to respond to the recommendations made in the GAB staff's thoughtful study of early voting options for Wisconsin.

The League of Women Voters of Wisconsin Education Fund supports overall the recommendations to streamline the current system of in-person absentee voting, as they will improve the voting experience and contribute to smoother election administration while maintaining security of ballots.

In particular, we support the provisions allowing municipalities to have multiple sites and flexibility in hours for in-person absentee voting.

We also support maintaining the current deadline for absentee voting, including in-person absentee voting, at 5:00pm the day before the election. While we appreciate the challenge and the commitment of our municipal clerks, we believe it is important to make it possible for as many eligible citizens to vote as possible. We certainly would not support pulling back on the options available to voters.

We are disappointed that there is not a recommendation to feed in-person absentee ballots into the machine in the voter's presence, although we understand the issues that make this a challenge.

We wonder if it would be possible to run the ballot through the machine prior to placing it in the envelope simply to ensure it is a good ballot.

If not, we encourage educational efforts to let voters know about the risk of rejection of absentee ballots. The League already informs people about this risk, and we expect to continue to do so.

Note: Although the League advocated for the Monday, 5 PM (day before the election) deadline for no-excuse absentee voting, the League has stated since the hearing that they are OK with the compromise the GAB voted to recommend -- that the deadline for no-excuse, in-person absentee voting be 5PM the Friday before the election and that citizens be allowed to vote in the clerk's office on Monday if they sign an affidavit stating that they can't vote at the poll on Tuesday.

Redistricting Reform

Wisconsin Legislative Redistricting

<http://www.agriview.com/articles/2015/15/political/political08.txt>

In Wisconsin, the boundaries of legislative districts are redrawn every 10 years to adjust for changes in population. This is because the United States Census is conducted every 10 years and is the most accurate and reliable measure of population.

Article 4, section 3 of the Wisconsin Constitution mandates the state's redistricting process. The state's system of 33 senate districts that are each divided into three assembly districts to total 99 statewide has been in place since 1973.

After the completion of the census in years ending with "0", it usually takes one year for the information to be available for use. Municipalities with a population greater than 1,000 must then use the data to divide the area into wards. They have a few months to submit the new ward lines to the legislature. If a municipality needs to be divided amongst two districts, the legislature will use the ward boundaries to make the split.

The total state population is divided by 99 to come up with the ideal population per assembly district. The senate and assembly each draw up their own proposals and try to reach consensus with the new district boundaries. Federal courts have stepped in to create Wisconsin's redistricting plan the past three decades because the legislature has not been able to enact a plan.

There are many principles that guide the redistricting to make it fair to Wisconsin citizens. All districts must be within 10 percent of the ideal population size, they cannot dilute the voting strength of racial minorities, they must be compact without irregular shape, they must be contiguous without fragments detached from the main body, and they generally try to group people of common interests together.

In recent years, questions have been raised about the partisanship of districts. It seems that redistricting is continually creating areas that do not have competitive elections because they are heavily populated with citizens who favor a certain party. Some organizations and states are calling to have redistricting done by nonpartisan commissions.

Redistricting Reform Issues

A number of issues have been raised in Wisconsin and in the U.S. regarding redistricting criteria, including

- Impartiality in drawing the districts.
- The criteria used to draw the districts.
- Counting prisoners at the location of their prison or elsewhere.

- In northern states like Wisconsin, where snowbirds and people with dual residences are counted.
- The effect on redistricting from counting non citizens as well as citizens in the census (notably in California).

A Map Quest for a Better Legislature

Wisconsin State Journal editorial Friday, August 28, 2009

In the state Senate earlier this month, Democrats and Republicans each voted to hire lawyers at taxpayer expense to work on competing plans for redrawing legislative districts for the 2012 election. That's just a hint of the coming partisan battle over redistricting - a once-a-decade fight for control of the Legislature and congressional districts that nearly always makes a loser of the state's voters.

There must be a better way. It's time to demand that lawmakers find one.

Redistricting is performed after every 10-year census to account for population changes. Ideally, districts would be drawn to be unified geographic areas with relatively equal populations and competitive party politics. But when lawmakers get hold of the redrawing they contrive weirdly shaped districts to ensure their party has control of the majority of districts and to enhance job security for incumbents. The effect is to allow lawmakers to pick their voters rather than vice versa. With huge political advantage at stake, it's hardly surprising that every Wisconsin redistricting since 1931 has ended up in the courts, which are ill-equipped to draw voting districts.

There are better options. For example, in Iowa a nonpartisan agency submits a redistricting plan to lawmakers. The agency, called the Legislative Services Bureau, is prohibited from using political affiliation, previous election results, addresses of incumbents or any demographic information other than population numbers. Three public hearings are required. Lawmakers can reject the plan. The bureau then tries again

Redistricting reform has been pushed in Wisconsin before. The latest plan, by Rep. Frederick Kessler, D-Milwaukee, proposes a complex formula to require party competitiveness. Almost any reform would be an improvement. But Wisconsin should aim for a plan that assigns redistricting to a nonpartisan organization. That's the best way to make sure redistricting is in the interests of voters, not politicians.

Redistricting Proposal Reduces Imbalance in Representation

LWVWI Statement 02/02/2010

The League of Women Voters of Wisconsin is supporting AJR 63, which excludes incarcerated, disenfranchised felons from the population count for the purposes of apportionment and redistricting. We would prefer that the U.S. Census Bureau count these individuals in their home districts, but it is too late for that. To build a redistricting plan with concentrations of disenfranchised citizens in a few districts results in an "inflated" level of representation for other residents of those districts. The representatives of those districts have a smaller constituency to

hold them accountable in elections. AJR63 is an important step in achieving equal representation for all citizens in our state. Read a February 11th NY Times editorial at <http://www.nytimes.com/2010/02/11/opinion/11thu4.html>

California Would Lose Seats under Census Change

By [SAM ROBERTS](#) NY Times Published October 27, 2009

A Republican senator's proposal to count only United States citizens when reapportioning Congress would cost California five seats and New York and Illinois one each, according to an independent analysis of census data released Tuesday. Texas, which is projected to gain three seats after the 2010 census, would get only one.

The proposed change would spare Iowa, Louisiana, Michigan and Pennsylvania the expected loss of one seat each. Indiana, Montana, North Carolina, Oregon and South Carolina would each gain a seat. If every resident — citizens and noncitizens alike — is counted in 2010, as the [Census Bureau](#) usually does, Arizona, Florida, Georgia, Nevada and Utah would gain one seat each and Texas would get three, the analysis found.

Losing one seat each would be Iowa, Louisiana, Massachusetts, Michigan, New Jersey, New York, Ohio and Pennsylvania, according to the analysis of census data through 2008 by demographers at [Queens College](#) of the [City University of New York](#). Appealing to his colleagues in states with fewer noncitizens, the Republican senator, [David Vitter](#) of Louisiana, warned this month that a vote against his proposal would “strip these states of their proper representation in Congress,” while including noncitizens would “artificially increase the population count” in other states.

Mr. Vitter's proposal, which would generally benefit nonurban areas where Republicans tend to dominate, could also affect reapportionment within each state.

“If Congressional and other redistricting was done in this manner, it would mean that regions of states that had fewer immigrants, such as upstate New York, would gain, while those with many immigrants would lose,” said [Andrew A. Beveridge](#), a Queens College sociologist who analyzed the census data. “This is going to disempower immigrants massively.”

The Constitution, as amended, requires that Congressional districts be reapportioned on the basis of a count every 10 years of the “whole number of persons” in each state. The 10-question 2010 census form does not ask about citizenship, but the Census Bureau includes that question in other forms, including the 2006-8 [American Community Survey](#) released on Tuesday.

Iowa's Redistricting Information

<http://archive.fairvote.org/redistricting/reports/remanual/ia.htm>

Redistricting Deadline. On June 22, 2001, Iowa became one of the first states in the nation to have enacted both a state legislative redistricting plan and a congressional redistricting plan.

Who's in Charge of Redistricting? The legislature has the final responsibility for enacting both congressional and state legislative district plans, but the nonpartisan Legislative Services Bureau has initial responsibility. It must develop up to three plans that can be accepted or rejected by the legislature. The plans are criteria-driven, meaning that the bureau draws districts based on clear, measurable criteria.

The four criteria, in descending order of importance are: 1) population equality; 2) contiguity; 3) unity of counties and cities (maintaining county lines and nesting house districts within senate districts and senate districts within congressional districts); and 4) compactness. A five-member commission consisting of four civilian members chosen by each caucus in the legislature, and a fifth chairperson chosen by the commission, is responsible for advising the bureau, but only upon their request. If the legislature does not approve the first three plans by the bureau, it must itself approve a plan by September 1st, or the state Supreme Court will take responsibility for the state districts. The Governor has veto power over both plans.

Public Access. Three public hearings are required to be held on the first proposed plan from the Legislative Services Bureau. Paper maps are also available from Legislative Services. In addition, the General Assembly has [redistricting plans and information](#) online.

Political Landscape. The redistricting process in Iowa is uniquely nonpartisan, at least for the first three proposed plans by the Legislative Services Bureau. The legislature has been quick to accept the LSB plans even when they have placed incumbent state legislative leaders and congressional members in very competitive districts. The Democratic-controlled legislature approved a non-partisan plan in 1991 that left it vulnerable to competition; the Republicans now control both houses and four of five House seats.

The fact that the governor is a Democrat makes it more likely that the Republican-controlled legislature will accept one of the Legislative Services Bureau plans. The legislature did reject the first plan developed by the commission for congressional districts, but accepted the second plan even though it also will force some current Republican incumbents to run in new districts.

Legislation/Reform Efforts. The Iowa method of redistricting has not been significantly changed since 1980, but the 1980 reform bears mention, given that many reformers applaud Iowa's districting model. The legislature significantly reformed its legislative and congressional redistricting process after a court challenge in the 1970s resulted in the state Supreme Court redrawing malapportioned legislative district lines. The provisions in chapter 42 of the Iowa code detail a complete statutory process for the nonpartisan development of redistricting plans. The centerpiece of the redistricting provisions are the redistricting principles which specifically forbid the use of political affiliation, previous election results, the addresses of incumbents, or any demographic information other than population. For more information check: <http://archive.fairvote.org/redistricting/reports/remanual/ia.htm>

Redistricting Reform in Illinois Coalition proposes redistricting reform amendment

http://midwestdemocracynetwork.org/index.php/news/article/coalition_proposes_redistricting_reform_amendment/ September 3, 2009

A growing coalition of political reform groups launched a plan to change the way legislative districts are drawn in Illinois.

The League of Women Voters, the Better Government Association, the Illinois Campaign for Political Reform and former members of the Illinois Reform Commission introduced the “Illinois Fair Map Amendment” Thursday.

Instead of legislators controlling the process behind closed doors, the group is proposing the idea of requiring all newly drawn maps be released to the public for viewing.

The “Illinois Fair Map Amendment” would establish a nine-member board, with two members chosen by each legislative leader. The ninth member, and leader, would be chosen by the other eight board members.

This move for a more transparent redistricting process would require a 2/3rds margin for the redrawn districts to be approved. If the proposed maps are rejected more than twice, the board would be required to choose one of the maps to become law.

In the case of a tie, a Supreme Master would be chosen by two Supreme Court Justices. They could not be a lobbyist, immediate family member, public or political official, contractor or employee of the state. The current fail-safe policy consists of an eight-member board consisting of two members chosen by legislative leaders. If there is a tie, the winner is chosen from a hat.

In order to place the question of redistricting reform on the November 2010 ballot, the coalition must gather at least 500,000 signatures. The proposed amendment must then receive 3/5ths majority of those voting to become law.

Redistricting Reform Studies

http://elections.gmu.edu/Midwest_Mapping_Project_WL.pdf

Funded by the Joyce Foundation, a Chicago-based charitable organization, the Sound Redistricting Reform initiative is a joint project between Professor McDonald at George Mason University and the Brennan Center for Justice at New York University. The project is a combination of original research and public education to better inform the public and policymakers about redistricting.

A Citizen’s Guide to Redistricting by Justin Levitt and Bethany Foster of the Brennan Center for Justice at New York University School of Law is a comprehensive guide that unlocks the intricacies of this seemingly arcane process for those unfamiliar with redistricting. Those familiar with redistricting will find the guide a valuable resource to refresh their memory.

The *Citizen’s Guide* has detailed descriptions of each state’s redistricting process for their state legislative and congressional redistricting. For a synopsis of state redistricting institutions and

how politics played out within states following the 2000 census, please see “A Comparative Analysis of U.S. State Redistricting Institutions” by Michael McDonald. Free on-line access is graciously provided by *State Politics and Policy Quarterly*.

The Midwest Mapping Project by Michael McDonald of George Mason university describes how application of redistricting criteria potentially affect congressional and state legislative districts in the five Midwestern states of Illinois, Michigan, Minnesota, Ohio, and Wisconsin. Application of seemingly-neutral criteria such as compactness or respecting political subdivisions may have predictable political consequences. However, these consequences vary among states and even for congressional and state legislative districts within the same state. The lesson applicable to all states is that care should be taken in devising a list of criteria that govern redistricting. Do not assume that a politics-blind process will produce a fair redistricting plan.

Executive Summary

Redistricting is the drawing of legislative district boundaries. It usually occurs following the decennial census so that districts will have approximately equal population and thus their constituents will have approximately equal representation. However, there is much more to it. How districts are drawn affects the fortunes of political parties; careers of incumbents; and representation of minorities.

Often those who draw the districts are the same people who represent the districts; enabling an abuse known as gerrymandering. During redistricting it is thus the case that representatives may select voters rather than voters elect representatives. A proposed solution to gerrymandering, and as a byproduct produce pleasing-looking districts is to have those who draw districts strictly follow a set of “neutral” criteria. A computer might even be programmed to automatically perform this task.

While this may sound like an attractive solution, the Devil is in the details. Because people are not randomly scattered across the countryside, application of ostensibly neutral criteria can intentionally or unintentionally have political effects. For example, districts that respect city boundaries may overly concentrate supporters of a political party if their supporters are clustered into dense urban areas. Instead of taking politics out of redistricting, these neutral criteria may actually be a gerrymander in sheep’s clothing.

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