

# END GERRYMANDERING

## MAPS FOR PEOPLE, NOT POLITICIANS

Paid for by the League of Women Voters of Dane County

Image credit: Shirley Smith

### League of Women Voters of Dane County Resource Materials for September 1, 2021 Public Issues Forum

#### Where Are Wisconsin's Fair Maps?

*Forum speakers: Kriss Marion, Lafayette County Supervisor; Doug Poland, Director of Litigation, Law Forward; Matt Rothschild, Executive Director, Wisconsin Democracy Campaign*

"The principal difficulty lies, and the greatest care should be employed, in constituting this representative assembly. It should be in miniature an exact portrait of the people at large. It should think, feel, reason and act like them. That it may be the interest of the assembly to do strict justice at all times, it should be an equal representation, or, in other words, equal interests among the people should have equal interests in it. Great care should be taken to effect this, and to prevent unfair, partial and corrupt elections."

- John Adams, *Thoughts on Government*, 1776

#### Introduction

Elected representatives reflect the will of those who vote them into office, right? Not so much when extreme partisan voting district lines are drawn to favor the party in power. This is gerrymandering. Historically, it's a practice Wisconsin Republicans and Democrats alike have employed. But with modern data-gathering techniques, parties in power are carving out favorable districts with extreme precision. Most Wisconsin voters are calling for an end to the practice once and for all, asking for fair non-partisan maps.

#### Discussion Questions:

1. What factors associated with the redistricting cycle will influence redistricting outcomes?
2. What are some key impacts of partisan gerrymandering in Wisconsin?
3. How do Wisconsin state laws and Supreme Court decisions affect our ability to end gerrymandering?
4. How can we broaden support for Fair Maps? What are Wisconsin groups doing to try to end gerrymandering?

## The League's Position

### LWVWI Position on Redistricting (see [LWVWI Government Structures](#))

“Redistricting should consist of regularly scheduled apportionment of districts based primarily on population equality, but also with consideration of the compactness and contiguity of districts; representation of diverse populations; and, in so far as is possible, recognition of communities of interest as defined by town, village, city, county or ward boundaries and major geographical characteristics with the following characteristics:

- Objectivity, accountability, timely and efficient completion, and a reasonable degree of flexibility,
- Citizen participation and access at all levels and steps of the process,
- Establishment of an independent commission or designation of an independent agency to be responsible for the development of a legislative and Congressional redistricting plan, and
- Streamlined court review of any legal challenge.”



Image credit: Wisconsin Democracy Campaign

## The Impact of Gerrymandering

The report of the [Center for American Progress](#) titled [The Impact of Partisan Gerrymandering](#) found that unfairly drawn congressional districts shifted, on average, 59 seats in the U.S. House of Representatives during the 2012, 2014, and 2016 elections. That means every other November, 59 politicians nationwide won who would not have been elected based on statewide voter support for their party. To help put this number in perspective, a shift of 59 seats is slightly more than the total number of seats apportioned to the 22 smallest states by population.

The [Brennan Center for Justice](#) report, [The Redistricting Landscape, 2021-22](#), “looks at the upcoming redistricting cycle through the lens of four factors that will influence outcomes in each state: who

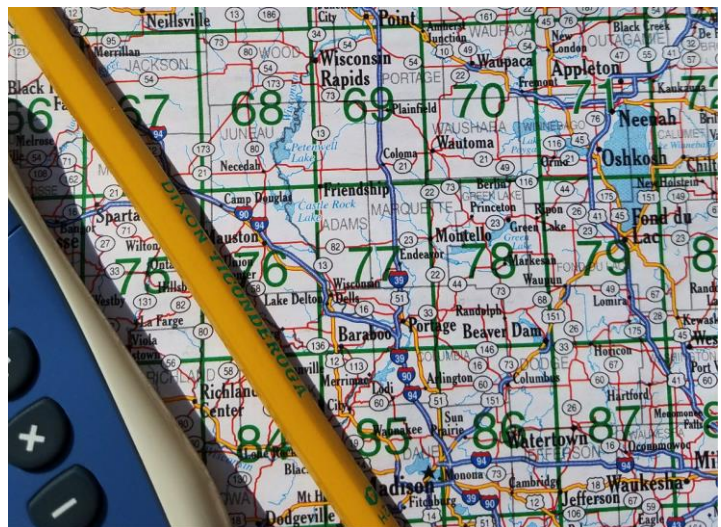


Photo credit: Meg Gordon

controls map drawing; changes in the legal rules governing redistricting over the last decade; pressures from population and demographic shifts over the same period; and the potential impact of the Covid-19 pandemic on the 2020 Census. In each state, the confluence of these factors will determine the risk of manipulated maps or whether, conversely, the redistricting process will produce maps that reflect what voters want, respond to shifts in public opinion, and protect the rights of communities of color.”

Larry Sandler, author of [Between the Lines](#) (*Marquette Lawyer*, Summer 2021), writes about Wisconsin’s 200-year history of rampant political gamesmanship, hard-fought litigation, and persistent calls for reform of the system. New court decisions, new ideas about equality and justice, and advances in technology have increased both the political conflict and the impact of redistricting. Currently, the delayed release of census information and disagreement about creating a transparent and inclusive redistricting process will likely increase the impacts on many Wisconsin communities. (See [Runaway Redistricting: How the Rush to Redistricting Can Leave Communities Behind](#), published by Common Cause.)

### **Impact of Census Data on Redistricting**

In the article *Census Numbers Kick Off Wisconsin Redistricting Battle*, [available here](#), AP journalist Scott Bauer reports on the impact of the new census numbers on Wisconsin redistricting efforts. The release of the US Census’ population numbers are increasing the intensity of Wisconsin’s fight over congressional districts. The numbers show increasing diversity of the population and decreasing rural population, but no change in the number of congressional seats at the federal level. But the stakes are high. Since redistricting begins at the municipal and county levels, these political boundary lines will be redrawn, increasing or decreasing local political power. And the state population figures, also known as the apportionment count, will determine the distribution of \$1.5 trillion in federal spending each year. There is a history of legal cases involving gerrymandering in Wisconsin. In 2019, the Wisconsin Supreme Court ruled that future gerrymandering lawsuits will be decided by individual states. Wisconsin’s legal actions related to gerrymandering are expected to accelerate this fall. Already, conflicts between Republican legislators and Democratic Governor Evers have ended up in the courts.

AP journalist David Lieb, in his article, [Census Data Spurred GOP’s Largest Partisan Edge in Decades](#), reports: “Fresh off sweeping electoral victories a decade ago, Republican politicians used census data to draw voting districts that gave them a greater political advantage in more states than either party had in the past 50 years, according to a new Associated Press analysis. That advantage, measured by a formula designed to detect potential gerrymandering, allowed Republicans to hold decade-long majorities in some congressional delegations or statehouses even as Democrats in those states won top-of-the-ticket races for president or statewide offices. In short: Republicans won more seats than would have been expected based on the percentage of votes they received.”

## Communities of Interest

The articles below illustrate some of the effects of partisan gerrymandering on individuals, families and communities in regard to education, health care, and political representation.

District maps are supposed to respect the “community of interest” of the population by, for example, respecting political boundaries of counties, cities and towns. The Urban Milwaukee article, [The Art of Gerrymandering Milwaukee](#), describes how the 2011 redistricting process split up Milwaukee County. The article notes, “A close look at the suburbs shows a ring of districts which each have a little piece of the city of Milwaukee, rich in Democratic voters, and a large piece of the surrounding suburbs, which are strongly Republican-leaning. This ring includes [ten] districts, ... all but one of these 10 seats was held by a Republican in 2018.”

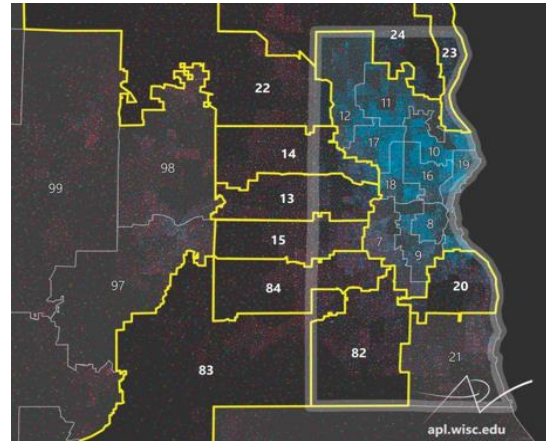
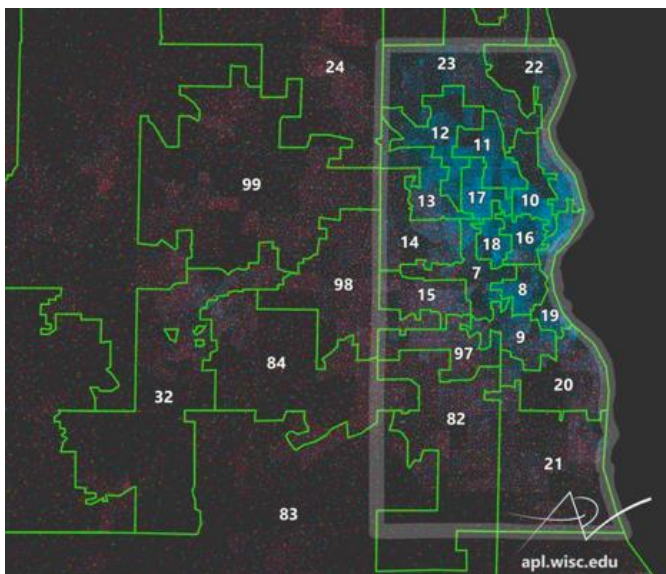


Image above: The 2011 Wisconsin Assembly districts surrounding Milwaukee show evidence of cracking, one method of electoral gerrymandering. Map by Caitlin McKown/UW Applied Population Lab.



Left image: The 2001 Wisconsin Assembly districts in the Milwaukee metro area mostly followed the Milwaukee County boundary. Map by Caitlin McKown/UW Applied Population Lab.

How different is the 2011 map from the previous set of legislative districts? The 2001 map reveals a radically different political geography in the Milwaukee suburbs. The most notable difference is that in 2001, districts were by and large drawn to respect the Milwaukee County boundary, the vertical line that runs down most of the center of this map view. The creators of the 2011 districts did not follow the Wisconsin Constitution’s directive that legislative districts should respect county boundaries whenever possible....”



The Fulcrum article, [The Human Cost of the Partisan Gerrymandering Decision](#), by Ruth Greenwood, relates stories of Wisconsin voters who have been harmed by the extreme gerrymander and now feel left out, left behind and totally ignored by their legislators.

Up North News, in a three-part series, examined disparities faced by African Americans living in Wisconsin, where disparities are among the worst in the country.

[Part One: Justice in Wisconsin](#)

[Part Two: Systemic Racism in Health Care](#)

[Part Three: System Fails Black Students](#)

The Time Magazine article, [How Prison Gerrymandering Distorts Political Representation](#), describes the policy of counting those who are imprisoned as a resident of the county in which they are imprisoned rather than as a resident of their county of residence, which boosts the population of regions hosting large prisons and can impact the drawing of states' district lines, compounding the political disenfranchisement of minority communities already facing the negative impact of partisan gerrymandering and census undercounts. Urban majority Black and brown communities, and other areas with high imprisonment rates, lose power when their residents are counted as if they are residents of the prison community, even though they cannot vote while in prison. This practice can reduce the representation of entire communities.



Image credit: The Cap Times

### **Redistricting: Wisconsin Law and Court Decisions**

In Wisconsin, both congressional and state legislative district boundaries are drawn by the Wisconsin State Legislature, subject to veto by the Governor. There is no provision in Wisconsin for citizens to petition for a statewide referendum to be decided by voters; statewide referenda can only be initiated by the State Legislature.

Districts for U.S. Congressional seats may be challenged in federal courts as unequal in population or drawn for racial reasons. Article I, Section 2 of the [United States Constitution](#) requires that congressional representatives be [apportioned](#) to the states on the basis of population. Federal courts have applied that requirement strictly and allow only 1% difference in population of each district in a state.

Section 2 of the [Voting Rights Act](#) of 1965 mandates that electoral district lines cannot be drawn in such a manner as to "improperly dilute minorities' voting power." In 2017, the U.S. Supreme Court decided in *Cooper v. Harris*, to invalidate two North Carolina districts which had been subject to racial gerrymandering. However, in a Wisconsin case, *Gill v. Whitford*, the U.S. Supreme Court decided that partisan gerrymandering is not subject to challenge in the federal

courts. The plaintiffs in that suit challenged the 2011 legislative maps drawn by Republicans in the state legislature to favor Republican candidates. On June 27, 2019, the Court dismissed the suit, ruling 5-4 that "partisan gerrymandering claims present political questions beyond the reach of the federal courts."

### **Additional Resources**

LWVDC's 2020 fall forum, **Wisconsin's Path Forward: Election and Redistricting - A Virtual Public Issues Forum**. The [video of the forum](#) and the [associated resource materials](#) describe the historical process used to draw Wisconsin's legislative district map, a process used by both Republicans and Democrats in attempts to manipulate district maps in their favor, without regard to the will of the voters.

[Law Forward](#), a Wisconsin law firm, and the [Wisconsin Democracy Campaign](#), a nonprofit, nonpartisan watchdog group, have developed excellent toolkits that provide basic information about redistricting. Law Forward's toolkit, **Redistricting 101**, is [linked here](#). And the Spanish version of the toolkit is [linked here](#). The Wisconsin Democracy Campaign's **Toolkit for Banning Gerrymandering in Wisconsin** is linked [here](#).

The [Wisconsin Fair Maps Coalition](#) has also produced a 3-part mini-series podcast, "**The Gerrymandered State**" ([What Citizens Can Do](#)). The third episode of the podcast identifies what Wisconsinites can do to help fight gerrymandered maps.

The [People's Maps Commission](#), appointed by Governor Evers, is producing state district maps that are fair and free from partisan bias. The Commission has been meeting and hearing testimony from Wisconsin residents about the need for fair maps. Watch the videos [here](#).

### **Actions You Can Take**

1. Attend the Fair Maps Lobby Day event at the Capitol on **September 27** to advocate for fair maps. Look for more details in the LWVDC e-News.
2. Join LWVDC's Making Democracy Work subcommittee to advocate for fair maps. Contact Joan Schwarz, Advocacy Chair, at [schwarzjoan111@gmail.com](mailto:schwarzjoan111@gmail.com).
3. Write letters to the editors of small town newspapers in Dane County. You can find LWVWI's toolkit on redistricting [here](#), for talking points and sample letters to the editor.
4. LWVDC is running a digital billboard outside DeForest calling for an end to gerrymandering. The ad runs for four weeks. LWVDC is raising funds to extend the ad for an additional four weeks. You can make an online donation to LWVDC, [here](#), to help make this possible. Please indicate the donation is for the REDISTRICTING campaign.

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