

## Fact Sheet for Promoting Fair Maps/Fair Elections

- **Who draws electoral maps and when are they created?**
  - In Wisconsin, the legislature creates district maps every ten years, after the results of the US Census are published. The current maps were created in 2011, with Act 43, and were based on the 2010 Census. In the regular course of events, new maps will have to be drawn in 2021 after the 2020 Census.
- **What's biased in our current state Assembly and Senate districts.**
  - When the legislature drew our current state maps in 2011, subsequent election results revealed an unfair bias between the share of votes for the presidential candidate or candidate for governor and the share of legislative seats gained. These two metrics generally should reflect each other. That is, the party that wins the majority of the votes overall should see their votes translate into a large, if not a majority, share of seats in the legislature.
    - In 2012, Republicans won 46% of the presidential vote but 60% of the Assembly seats.
    - In 2014 Republicans won just over 52% of the vote for governor but captured 63% of the Assembly seats.
    - In the most recent presidential election, Wisconsin voters virtually split evenly between the two parties' candidates, but the GOP won 64% of the Assembly seats. [Source: *Milwaukee Journal-Sentinel*, 2017]
- **Why we're fighting for new maps right now.**
  - In 2015, 12 Wisconsin citizens filed suit in federal court demanding relief for the violation of their Constitutional rights, presenting evidence that the current Wisconsin legislative districts map is one of the "worst partisan gerrymanders in modern American history," making their votes meaningless.
  - The case, known as *Whitford v Gill*, argues that "This kind of partisan gerrymandering is both unconstitutional and profoundly undemocratic. It is unconstitutional because it treats voters unequally, diluting their voting power based on their political beliefs, in **violation of the Fourteenth Amendment's guarantee of equal protection**, and because it unreasonably burdens their First Amendment rights of association and free speech.

"Extreme partisan gerrymandering is also contrary to core democratic values," continues the complaint. "In the end, a political minority is able to rule the majority and to entrench itself in power by periodically manipulating election boundaries" [Fair Elections Project].
  - At the trial, the plaintiffs demonstrated that the GOP then in control of the legislature and the governorship intended to draw maps to their own advantage in a way that is extreme and durable.
  - In November 2016, the federal court ruled WI's district maps unconstitutional.

- In his opinion for the majority, Judge Ripple wrote: “We find that Act 43 was intended to burden the representational rights of Democratic voters throughout the decennial period by impeding their ability to translate their votes into legislative seats. Moreover, as demonstrated by the results of the 2012 and 2014 elections, among other evidence, we conclude that Act 43 has had its intended effect. Finally, we find that the discriminatory effect is not explained by the political geography of Wisconsin nor is it justified by a legitimate state interest. Consequently, Act 43 constitutes an unconstitutional political gerrymander.”
  - In January 2017, the court ordered the legislature to draw new maps by November 1, 2017, and ruled that no further elections for Assembly could take place using the current map.
- **What we want.**
  - In February 2017, Attorney General Brad Schimel notified the US Supreme Court that Wisconsin would appeal the decision in *Whitford v Gill*. Unfortunately the case is unlikely to be heard before late fall, too late to change the Wisconsin district maps ahead of the 2018 elections. That’s why we are urging the legislature to
    - **STOP WASTING TAXPAYER MONEY ON HIGH-PRICED LAWYERS**, including the unlimited contract offered to one lawyer and the \$100,000 offered to another to write one brief;
    - **DRAW NEW MAPS NOW** instead of adding to the \$2 million+ tab to defend their unconstitutional maps. They need to focus on a **fair, open redrawing as mandated by the court**.
  - In addition, we need to reform Wisconsin’s redistricting laws so that whoever has the majority in the legislature when the state must draw new district lines — as it must in 2021 and every ten years thereafter — can never create and adopt such biased maps again.
    - **PASS PENDING LEGISLATION TO CREATE AN IMPARTIAL MAP-DRAWING PROCESS**, based on the Iowa model. Senate Bill 13 and Assembly Bill 44 have been submitted to committees in their respective bodies. Versions of these bills have been introduced in several previous legislative sessions. In light of the federal court’s ruling, it’s time to hold public hearings and to pass these bills into law.