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## **Wisconsin Voters Continue Fight for Fair Legislative Maps in Wisconsin Supreme Court**

*National Legal Experts File Brief Today Arguing Maps Need to Be Enjoined*

Today, Law Forward, Stafford Rosenbaum, Election Law Clinic at Harvard Law School, Campaign Legal Center, and Arnold & Porter filed a brief with the Supreme Court of Wisconsin to continue their efforts to obtain fair state legislative maps in Wisconsin. This response is after the Wisconsin Supreme Court took jurisdiction of the original action petition Friday, October 6th.

From the brief, “Petitioners respectfully request that this Honorable Court enter a decision and order (1) finding that the existing state legislative maps violate the contiguity requirement of Article IV, sections 4 and 5 of the Wisconsin Constitution; (2) finding that the existing state legislative maps violate the Wisconsin Constitution’s separation of powers; (3) enjoining the use of the existing legislative maps; (4) issuing a writ quo warranto declaring the election of senators in November 2022 from unconstitutionally configured districts to be unlawful and ordering special elections in November 2024 for all odd-numbered state senate districts; (5) establishing neutral criteria with which the Court will evaluate and impose any remedial maps, and (6) establishing a scheduling order to permit the parties to engage in the process described in Section IV.”

The brief includes challenges to the current legislative maps under the Wisconsin constitution:

1. Wisconsin’s constitution requires that all districts be contiguous—meaning they cannot be made up of separate pieces of detached territory. Over half of Wisconsin’s current districts violate this basic provision of adjoining communities.
2. The existing maps are the exact same maps that the governor vetoed in November of 2021, a veto which the Legislature tried and failed to override. By making them the maps we use for elections, the Court violated Wisconsin’s separation-of-powers principles and the governor’s constitutional authority to veto bills.



The additional claims were not taken up at this time, Counsel is conferring with their clients about potential next steps and has not made a determination regarding future litigation.

The brief filed today includes criteria for how the court should draw new fair maps. The maps must comply with federal law, be contiguous, compact, have districts with equal populations, and, importantly, must not be gerrymandered for one party or the other.

From the brief, “Under relevant state and federal law, in evaluating or creating new state legislative districts, the Court must consider (1) population equality, (2) compactness, (3) contiguity, (4) preservation of the unity of political subdivisions, (5) partisan neutrality, and (6) compliance with the federal Equal Protection Clause and Voting Rights Act. Persuasive authority also instructs that the Court may—and should here—consider so-called “traditional redistricting criteria,” including preservation of communities of interest.”

Additionally, it lays out a fair process to draw nonpartisan legislative maps. The brief argues the maps must be enjoined, a referee appointed, and submissions from both parties including interveners taken. The referee would then make recommendations to the court with the Wisconsin Supreme Court making the final determination.

Next, both parties will file response briefs to today’s filings on October 30th at noon, amicus briefs (or friend of the court) will be filed November 8th and oral arguments in front of the Wisconsin Supreme Court will take place November 21st at 9:45 AM.

The Petitioners are from all corners of Wisconsin and demonstrate the effects the Republican gerrymander has had on Wisconsin voters, families, and communities they include: Rebecca Clarke, Dr. Ruben Anthony, Terry Dawson, Dana Glasstein, Dr. Ann Groves-Lloyd, Carl Hujet, Gerry Iverson, Tia Johnson, Angie Kirst, Dr. Selika Lawton, Gabian Maldonado, Anne Marie McClellan, James McNett, Brittany Muriello, Ela Joosten (Pari) Schils, Nathaniel Slack, Mary Smith- Johnson, Denise (Dee) Sweet, Gabrielle Young.

**Causes of Action:**

The Current State Assembly and Senate Maps Violate the Contiguity Requirement - Article IV, Sections 4 and 5

Violation of Separation of Powers Doctrine



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*Law Forward is a nonprofit, nonpartisan organization that uses impact litigation to protect and advance democracy. Law Forward stands for a commitment to fair, transparent and representative government; where Wisconsinites can participate in free, fair elections where their vote counts.*

*Stafford Rosenbaum LLP is a full-service law firm with two convenient office locations in Madison and Milwaukee, Wisconsin. Over 140 years of dedication to businesses, governments, nonprofits, and individuals has proven that effective client communication continues to be the heart of our practice.*

*The nonpartisan Campaign Legal Center advances democracy through law at the federal, state and local levels, fighting for every American's rights to responsive government and a fair opportunity to participate in and affect the democratic process.*

*The Election Law Clinic at Harvard Law School (ELC) is a nonpartisan law firm that works to train the next generation of election lawyers through litigation and advocacy that bring novel academic ideas to the practice of election law. It aims to build power for voters, not politicians, and recognizes that the struggle for voting rights is a struggle for racial justice. ELC is led by an experienced team of voting rights attorneys and includes around 30 students each year.*

*Arnold & Porter combines sophisticated regulatory, litigation, and transactional capabilities to resolve clients' most complex issues. With over 1,000 lawyers practicing in 14 offices worldwide, we offer deep industry experience and an integrated approach that spans more than 40 practice areas. Through multidisciplinary collaboration and focused industry experience, we provide innovative and effective solutions to mitigate risks, address challenges, and achieve successful outcomes.*