



For Immediate Release

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February 9, 2024

Wisconsin Voters File Response to Independent Consultants Report in Fair Maps Case

Yesterday, Law Forward, Stafford Rosenbaum, the Election Law Clinic at Harvard Law School, Campaign Legal Center, and Arnold & Porter filed the Petitioners' response to the independent, nonpartisan consultant's report in the fair maps litigation *Clarke v. WEC*. This is the next step forward toward achieving fair maps and representative democracy in Wisconsin. The maps submitted on behalf of our clients- the Clarke maps-outperform the others on the majority of the constitutionally mandated criteria.

From the brief: *This Court's independent, nonpartisan consultants have confirmed what the Clarke Petitioners have previously said: four parties (the Clarke Petitioners, the Governor, the Democratic Senators, and the Wright Intervenors) submitted proposed maps that adhere to the Constitution's requirements and this Court's criteria, while the Legislature and the Johnson Intervenors did not. Most remarkable are the Legislature's proposed maps, which illustrate the ripple effects that follow from the extensive contiguity violations of the enjoined maps. The Legislature's proposed maps would more than double the number of municipal splits and splinter more than 100 wards due to the Legislature's blinkered insistence on clinging to the non-constitutional "least change" criterion, which this Court has rejected. More fundamentally, almost half of the Legislature's proposed assembly districts are not bounded by ward lines, as the Constitution requires. This disqualifying flaw is shared by the Johnson Intervenors' maps. Given the failure of the Legislature and the Johnson Intervenors to comply with Article IV's "bounded" requirement, the Court need not even reach Drs. Grofman and Cervas's conclusion that both the Legislature's maps and the Johnson Intervenors' maps fail to meet this Court's requirement that new maps be politically neutral, as both would provide Republican candidates a massive electoral advantage. But that, too, is indisputable. Accordingly, that leaves four maps that comport with the Constitution's requirements and are eligible for this Court's consideration—those submitted by the Clarke Petitioners, the Governor, the Democratic*

Senators, and the Wright Intervenors. While all are substantial improvements over the current maps, the Clarke maps outperform the others on the majority of the constitutionally mandated criteria, including assembly population deviation, senate population deviation, assembly county splits, assembly town splits, and senate town splits.

Moreover, the Clarke maps:

- *“split” only a single defunct ward (from a town that no longer exists) that has since been replaced by new wards kept whole in the Clarke maps; x split the fewest municipalities among the four eligible submissions in both the assembly and the senate maps;*
- *tie for first on majoritarian concordance in election outcomes;*
- *and have the second fewest splits of Native American reservations. The few reservations that are split are justified by countervailing concerns regarding avoiding county splits, municipal splits, and other community of interest splits that must also be weighed, as illustrated below.*

*In choosing among four good maps that are similar on other criteria, the best course of action for this Court is to select those maps that achieve the best performance overall on the constitutionally mandated criteria and split the fewest municipalities—the Clarke maps. **The Clarke maps outperform nearly every court ordered or legislatively drawn map in Wisconsin from the past 30 years on these neutral metrics. And the political neutrality of the Clarke map would ensure that this Court maintains its judicial neutrality in remedying the violation in the enjoined maps.***

The Legislature and the Johnson Intervenors have asked the court to disregard the independent, nonpartisan experts' report. "The Court has given the Legislature every opportunity to submit constitutional maps that comply with basic redistricting criteria," said Dan Lenz, Staff Counsel for Law Forward. "They have chosen not to and are now lashing out at the Court's well-qualified, nationally respected consultants. The 19 Wisconsin voters we represent are looking forward to a day when their legislature does good work on their behalf instead of spending taxpayer money to hold onto power."

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