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Business Leaders and Voters Move to Intervene in Lawsuit Challenging Wisconsin Congressional Districting Map

New Motion Filed by Law Forward and Co-Counsel Argues that Congressional Map Is an Extreme Outlier, Stifling Electoral Competition and Silencing Voters

MADISON, Wis. – Today, Law Forward, along with co-counsel Stafford Rosenbaum LLP and the Election Law Clinic at Harvard Law School, filed a motion to intervene in a case filed last month, *Bothfeld v. Wisconsin Elections Commission*, challenging the constitutionality of Wisconsin's congressional districting map.

On May 7, 2025, several Wisconsin voters filed a challenge to the current court-imposed map establishing the boundaries of the eight congressional districts from which Wisconsin voters elect candidates to the U.S. House of Representatives. They argue that map is an extreme partisan gerrymander that violates the Wisconsin Constitution. Today's filing makes an additional argument—that Wisconsin's current congressional map is also unconstitutional because it is an anti-competitive gerrymander.

"All Wisconsin voters, no matter who we are or where we're from, deserve an equal voice and an equal say in electing leaders whose decisions impact our lives," **said Jeff Mandell of Law Forward.** "Wisconsin's current congressional plan is a textbook example of an anti-competitive gerrymander. Candidates regularly win races by a margin of 30% or more. Wisconsin's congressional map is an outlier, and it has been suppressing voters' voices for too long."

The current map is an extension of the gerrymander in 2011, originally negotiated and drawn by Paul Ryan, passed by the state legislature, and signed into law by Gov. Scott Walker as 2011 Wis. Act 44. When the Wisconsin Supreme Court adopted a new congressional map in 2022, it relied on a "least change theory" that required almost all of the Act 44 map to remain in place. In 2023, the Court repudiated the least change theory in *Clarke v. WEC*, the case that struck down the gerrymandered state legislative district maps and in which the petitioners were represented by Law Forward and its co-counsel.

Today's new filing challenges the court-imposed congressional map that carries forward an intentional design protecting incumbents to the detriment of voters. This filing provides an additional argument as to why the state's current maps violate the Wisconsin Constitution. As evidence, the filing notes:

- over the entire decade-long life span of Act 44 **not a single incumbent lost and not one district changed from one political party's control to the other party's control**;
- across 16 individual district races since the 2022 map was imposed, **the median margin of victory was close to 30 percentage points**.

"Anti-competitive gerrymanders are just as harmful as partisan and racial gerrymanders. Without competition, voters' interests can be ignored and their concerns overlooked— politicians take more extreme positions, and polarization takes hold," **said TR Edwards, attorney at Law Forward.** "Competitive races, on the other hand, force politicians to listen to all constituents, not just those who agree with them, to consider the issues, and not just toe the party line."

"Congressional districts should be drawn to empower voters, not to protect politicians. This filing asks the Court to put people back at the center of democracy, where they belong. For too long the people of Wisconsin have experienced congressional elections as a foregone conclusion, not an exercise in civic participation and deliberation. We are proud to represent voters seeking to reclaim their democracy," **said Ruth Greenwood of the Election Law Clinic at Harvard Law School**.

Doug Poland, partner at Stafford Rosenbaum LLP and veteran of many redistricting lawsuits since 2011, added: "As Wisconsin voters became more aware in recent years of how the Legislature fixed the state's legislative districts in 2011 to favor one political party and ensure that it retained an iron grip on the state's law-making process, the groundswell of popular opinion against gerrymandering has been reflected in voters' choices favoring elected officials, including judges, who are committed to ensuring that all Wisconsin voters are fairly represented in the Wisconsin Legislature, regardless of political party affiliation. The time has now come for the state constitutional protections requiring that districts be drawn to ensure that Wisconsin voters have meaningful choices and fair representation among their elected representatives to be extended to their choices for the U.S. House of Representatives."

Plaintiffs include individual voters in each of Wisconsin's eight congressional districts. Also included is Wisconsin Business Leaders for Democracy (WBLD), a bipartisan, unincorporated association of Wisconsin business leaders dedicated to helping ensure equitable access to voting; non-partisan, transparent election policy and administration; and unbiased representation. The members of WBLD recognize that in politics, as in business, a lack of competition locks in entrenched interests, stifles innovation and experimentation, and ultimately impairs the interests of the population at large.

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