Media: for your background purposes ONLY. Please contact myself or John Jagler in Rep. Fitzgerald’s offices with any specific questions, or for any attribution requests.

These new proposed reapportionments are:

- **Required:** The legislature is required to reapportion the legislative and congressional districts every ten years following the results of the decennial census.
- **Legal:** The reapportioned districts reflects the constitutional principle of “one person, one vote,” with compact, contiguous districts that preserve communities of interest. The proposed legislation meets all the statutory and constitutional requirements for reapportionment.
- **Timely:** At least 20 other states are already further along than Wisconsin in this process, including all of our surrounding states. Eight states already have new reapportionment signed into law. In fact, former Democrat Senate Majority Leader Judy Robson has filed suit over the Legislature’s failure to act thus far.

Highlights:

- **Constitutionally Required:** Article IV, sec. 2-5 of the Wisconsin Constitution requires the legislature to reapportion each house at the first session following the federal decennial census. State legislatures are tasked with reapportionment in 37 states.
  - Population Shifts Require New Reapportionment:
    - Since 2000, Wisconsin has gained more than 323,000 residents.
    - Parts of the state have grown, others have shrunk, and populations have moved from one district to another. In brief:
      - Milwaukee is losing population
      - Dane County is gaining population, and is overpopulated by as much as 40,000 people
      - The Twin Cities exurbs are gaining population
      - Northern Wisconsin is losing population
      - The Fox Valley suburbs are gaining population
  - The constitution requires one person, one vote, so the reapportionment has to be updated to reflect changing demographics.

- **Fair Districts:** The proposed legislation contains districts that are of substantially equal populations, compact and contiguous, and sensitive to minority representation.
  - Deviation Range: The US Federal Court in 2002 drew districts that had a total deviation range of 1.58%. The total deviation range on this plan is 0.76% or well within the standard established by the federal court. The Mean Deviation range is 93 people in the Assembly (0.16 percent) and 149 in the Senate (0.09 percent).

- **Court Challenge:** The Democrats have shown this session that they will take just about anything to court when they can’t stop it in the Legislature: the budget repair bill, photo ID, recall petitions, etc. A legal challenge, no matter how spurious, is likely. *That’s why the*
Republicans retained legal counsel at the onset, to advise the process to ensure that the districts are fully compliant with every legal requirement.

- In 2002, taxpayers were on the hook for more than $2 million in attorney fees because of court challenges. These districts aim to avoid that unnecessary cost.
- The amount that has been put into escrow is not a fair assessment of real cost: the final bill for services has yet to be determined and any money put aside for that purpose that is not expended will be returned to the state.

Timing:

- New reapportionments have already been signed into law and approved in EIGHT states, including:
  - Illinois – June 24
  - Oklahoma – May 20
  - Oregon – June 13
  - Nebraska – May 26
  - Iowa – April 19
  - Indiana – May 10
  - Virginia – April 29
  - Louisiana - June 28

- Additionally:
  - Reapportionment has been signed into law by the governor but have not been approved or given preclearance in 
    Alaska, Texas and South Carolina.
  - Mississippi’s proposal has passed the legislature, waiting for signature by the governor.
  - Nevada, Minnesota and New Jersey are already partway through the process, but tied up in litigation
  - California has released a draft proposal.

The full state-by-state map can be found: http://redistricting.lis.edu/index-state.php

Requirements:

- Equal Population Districts: The U.S. Supreme Court has held that the U.S. Constitution requires legislative districts to be “as nearly equal in population as practical.”
- Minority Representation: The federal Voting Rights Act of 1965 requires that reapportionment may not result in the denial or abridgment of any voting right based on race, color or minority status. District lines may not be drawn in a way that results in “packing” minorities into a small number of districts, nor “fracturing” minorities into districts made up primarily of nonminorities.
- Compact, Contiguous Districts: WI Statute 4.001(3) requires that districts give “due consideration to the need for contiguity and compactness of area.”

Prior Sessions:

- For a full rundown of the legislative process in every decade since the 1950s, see the LRB memo from July, 2010 linked here: http://legis.wisconsin.gov/lrb/pubs/im/10im4.pdf
PARTISANSHIP IN 1983...

In 1982, a Democratic-controlled legislature and a Republican governor were unable to agree on a legislative plan, so a 3-judge federal panel in June 1982 promulgated a legislative reapportionment plan. BUT, that election gave the Democrats control of the Assembly, Senate and governor’s office. So in July 1983, the Democrats introduced a NEW proposal for NEW districts on July 11, which was passed three days later and signed into law the following day on July 15. (1983 Wisconsin Act 29). That new reapportionment superceded the old version, which was already in place and used for the 1982 election.

Timeline in 1983:

- 7/11, SSAB 1 introduced by Committee on Assembly Organization by request of Governor Anthony Earl
- 7/11, Public hearing held by Assembly Committee on Elections
- 7/11, Executive session held
  Notes: Assembly introduced proposals which, had public hearing and executive session all in the same day. They did not provide 24-hour notice of public hearing.
- 7/12, SSAB 1 referred to the Assembly calendar
- 7/13, Assembly takes up SSAB 1
- 7/14, Assembly debates throughout the night and passes it 51-44, around 2:45 am
  Notes: Assembly passed SSAB 1 in the dead of the night
- 7/14, Public hearing held by Senate Committee on Urban Affairs and Government Operations
- 7/14, Executive session held
- 7/14, Senate concurs in SSAB 1 on a 17-11 vote
  Notes: Again, senate holds hearing, executive session and votes on the bill all in the same day. Doubtful that 24-hour notice was given for public hearing. Sen. Cullen was Senate Majority Leader and Sen. Risser was Senate President. Democratic-controlled legislature introduces and passes reapportionment plan in four days.
- 7/15, Governor Earl signs SSAB 1 (Act 29)
- 7/19, Secretary of State La Follette publishes Act 29
- Legislative Gridlock has forced some other unusual circumstances in previous decades:
  - The state Supreme Court was forced to intervene following partisan gridlock following the 1960 census;
  - A U.S. District Court had to promulgate the legislative reapportionment in 1992; and
  - The U.S. District Court again had to promulgate the legislative districts in 2002.
Dem Alternatives:

- Dems were given the exact same software and hardware as the Republicans. It's certainly fair to ask: what did they do with that hardware and software?
- The availability of technology and the Internet could provide for any number of alternative, citizen-produced alternatives: there's even a "reapportionment app" available for free on the Internet. Florida and Idaho have made apps freely available for their states.
- The Democrats have already filed federal lawsuits to challenge the EXISTING districts.
- In the 2009-10 session, Senate Democrats approved spending $189,000 in reapportionment-related legal expenses. It's certainly fair to ask: what did they spent that money on?

[[4]](http://theforum.washingtonpost.com/2010/10/24/20101023-windows_7/)
[[5]](http://www.brennancenter.org/press/pages/who_draws_the_lines)
[[6]](http://stateline.org/live/details/story?contentId=547258)
[[7]](http://redistricting.lls.edu/index-state.php)
[[8]](http://redistricting.lls.edu/index-state.php)

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