In The Matter Of:
Joint Public Hearing on Wisconsin Redistricting Plan

Transcript of Proceedings
July 13, 2011

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JOINT PUBLIC HEARING ON REDISTRICTING

TRANSCRIPT OF PROCEEDINGS

Madison, Wisconsin
July 13, 2011

Reported by: Lynn Schultz, RPR
CHAIRMAN ZIPPERER: Good morning. We want to call the Senate Committee on Judiciary Utilities, Commerce and Government Operations to order. Clerk will call the senate roll.

CLERK: Senator Zipperer?

SENATOR ZIPPERER: Here.

CLERK: Senator Kedzie?

SENATOR KEDZIE: Here.

CLERK: Senator Galloway?

SENATOR GALLOWAY: Here.

CLERK: Senator Risser?

SENATOR RISSER: Here.

CLERK: Senator Erpenbach?

SENATOR ERPENBACH: Here.

CHAIRMAN VAN ROY: Good morning. We are calling the Homeland Security and State Affairs on the Assembly. Would my clerk call the roll.

CLERK: Representative Van Roy?

REPRESENTATIVE VAN ROY: Here.

CLERK: Representative Kuglitch?

REPRESENTATIVE KUGLITCH: Here.

CLERK: Representative Ballweg?

REPRESENTATIVE BALLWEG: Here.

CLERK: Representative August?
REPRESENTATIVE AUGUST: Here.

CLERK: Representative Kooyenga?

REPRESENTATIVE KOOYENGA: Here.

CLERK: Representative Danou?

REPRESENTATIVE DANOU: Here.

CLERK: Representative Zamarripa?

REPRESENTATIVE ZAMARRIPA: Here.

CLERK: And Representative Bewley?

REPRESENTATIVE BEWLEY: Here.

CHAIRMAN ZIPPERER: Quorum being present, the committees can continue. The purpose today is consideration of three bills, SB 148, SB 149 and SB 150, all three related to redistricting. We're going to take testimony on all three at once, so those speaking can feel free to speak on each bill or any bill in particular.

Anybody wishing to testify, their slip should be available at the door, and those that wish not to speak can also submit written testimony to either of our offices or the page staff. First up is Tad Ottman from Senator Fitzgerald's office and Adam Holtz from Representative Fitzgerald's office. Welcome, gentlemen.

MR. OTTMAN: Thank you. My name is Tad Ottman. I began working for the state
legislature in 1984, which incidentally was the
session after the last time the Wisconsin
legislature passed a redistricting plan. I
currently work for Senator Scott Fitzgerald. I am
involved in working on reapportionment after both
the 1990 and the 2000 census.

Last fall Senator Fitzgerald asked me to work
on reapportionment legislation that is necessary
as a result of the 2000 census. There are three
core principles to any reapportionment plan:
equal population, sensitivity to minority
concerns, and compact and contiguous districts.
The plans we will present to you today were drawn
in accordance with those principles.

I'm going to begin by describing for you the
population trends in the existing senate district.
Adam Holtz will follow with the discussion of the
population trends in the existing state assembly
district. So first I'm going to put up a map of
those population trends. As you can see, the
population growth, what this map reflects is how
different districts, senate districts, in the
state grew in comparison to the rest of the state.
Some districts grew much faster than statewide
average, and some districts lagged the statewide
average by a considerable amount.

Some of the -- kind of the most glaring
growth and areas are in western Wisconsin in the
10th Senate District where population is over
ideal population by about 20,000 persons. On the
other end of the extreme, you have the 6th Senate
District in Milwaukee, which is under ideal
population by almost 20,000 people. Dane County
and the surrounding area has seen tremendous
growth. The 27th Senate District is 25,000 over
ideal population, and the 16th Senate District is
16,000 over ideal population.

In northern Wisconsin, you will notice both
the 25th and the 12th Senate Districts are under
the ideal population by almost 10,000 and just
over 15,000 respectively. Then you'll also notice
there's some modest growth in the Milwaukee
suburbs that's countered by some dramatic loss of
population within the city itself. And up in the
Fox Valley you'll see areas of growth as well.
This will play into how the districts were drawn
to accommodate that to comply with the equal
population requirements.

I'm going to turn it over to Adam Holtz, who
will walk through a little bit of the assembly
population trends.

    MR. HOLTZ: Thank you. As Tad mentioned, my name is Adam Holtz. I work for Speaker Fitzgerald. Last year Speaker Fitzgerald asked me to take on this legislation and work with Tad. Not to repeat everything he said on the job description, but it is effectively the same, complying with the three main tenets of traditional redistricting principles in drafting this legislation.

    What the assembly over- and under-population map will show you is largely similar to what you see with the senate over- and under-population map. The map to my left will show the over- and under-population of the assembly districts at a little bit more detailed level than what you see at the senate. So where a senate district over the three assembly districts you may see population of over or underflow, mitigate out or exaggerate, what this allows you to do is see at a little bit more zoomed level. For example, in the 10th Senate District you can see that a majority of the overpopulation is coming from within Assembly Districts 29 and 30 with 28 counting for only about 2,000 for that overpopulation. So
you're able to see it at a little bit more detailed level where the over and the under-population is coming from.

On the assembly side, we also saw some similar trends with the under-population of the Milwaukee assembly districts. The outlier on the under-population is Representative Grisby's current district that is over 9,000 people under-populated, and on the other end of the spectrum you see that Representative Sandy Pope Roberts' district is currently 18,700 over ideal population. So what we see in the redistricting legislation is an attempt to account for these massive shifts in population across the state.

MR. OTTMAN: Next I'm going to move into the maps as proposed under SB 148, and let us put those maps up for you to take a look at. What I will do now is I'll kind of walk briefly through some of the changes you'll see on the senate map; and if you'll notice, the districts in northern Wisconsin geographically are considerably larger. That's a direct result of the previous map that we showed you in terms of the population trends in that part of the state. Simply to comply with the equal population requirements in the other
redistricting criteria, those districts by
necessity had to get much larger geographically.

In northern Wisconsin in particular, the
difference is more stark because there are not a
lot of highly densely populated areas in there.
So in order to meet population, you have to grab a
lot of geography up in that part of the state.
Over in the western part of the state, in the 10th
Senate District, you'll notice that that district,
because of its overpopulation, has shrunk by quite
a bit in order to meet the necessary population.

In the southeastern Wisconsin there are some
dramatic changes. If you look, you can see in the
inset there, and we'll have larger maps of
Milwaukee County for you in a little bit; but if
you look at the inset there, you can see that the
Milwaukee districts, in order to gain the
population that is required, had to get
geographically larger. And as a result, that
pushed some of the districts to the north side and
to the west side further north and further west.

When we get into the detailed map of
Milwaukee, what you'll be able to see is that the
north side of the county lost kind of dramatically
in population. The south side of the county fared
a little better and grew closer to the statewide average, so that was the reason that reapportionment in that area kind of pushes you north and west is to accommodate those population changes. The other area of dramatic growth, of course, was Dane County, and so the map looks considerably different in Dane County. Between the 27th, the 16th and the 26th Senate Districts there was a net of approximately 40,000 overpopulation, so those people had to go somewhere. The districts around Madison as a consequence shrunk geographically.

The other thing is you look at any -- any map, and when reapportioning with the three redistricting principles I talked about earlier, there are competing principles. To satisfy one may mean you may not satisfy another as well, and that requires you to make choices as you reapportion the state. And we'll walk through some of the examples of some of those choices that were made in different areas kind of how the principles apply and what the -- what the result is.

Central Wisconsin kind of sees some of the ripple effect of complying with those population
trends in other parts of the state. If you look
at those Dane County districts, because of that
massive amount of population, kind of had to move
elsewhere. That kind of shifts the borders of the
district adjacent to it and then their borders get
shifted, and anywhere you start in a
reapportionment plan creates those sort of ripple
effects. And a small population change in one
area of the state can ripple all the way through
to the other corner of the state as you put
together these plans.

And in a little bit we'll talk more about
Milwaukee, which saw some drastic population
changes and required some reconfiguration, but
I'll turn it back over to Adam now to describe the
assembly plan.

MR. HOLTZ: Again, to echo a lot of
Tad's sentiments, the northern part of the state
you saw drastic growth in the geographic territory
that are taken up by the assembly districts. Just
drawing your attention to Senate District 12
containing Assembly Districts 34, 5 and 6.
Representative Mursau's current district, the 36th
Assembly District, was underpopulated by over
6,000 people; and as Tad mentioned, the population
density up there is very low.

So in order to find 6,000 people, you
definitely have to start looking for more
population, and what you see with 34, 35 and 36 is
that there was growth coming from the Fox Valley
area. You saw growth in Representative Al Ott's
district. You saw growth in Representative
Michelle Litjens' district to a pretty high
degree, and then also some of the other Fox
Valley, Green Bay seats saw growth as well.

So what you're seeing is that those districts
too expanded and pulled in a clockwise fashion
down towards the value to get more population to
equalize out and achieve one-person/one-vote
goals. On the western side of the state Tad
mentioned Senate District 10 being overpopulated.
Again, Assembly Districts 28, 29 and 30, what you
see there is westward pulling of the districts in
that area, and you also see that Assembly District
30 shrunk considerably in geographic area
considering that it was overpopulated to the tune
of 9,000 people.

Same applies to Assembly District 29, also
overpopulated somewhere around 9,000 people. It
shrunk to shed its overpopulation, and 28 was the
least growing of the three, only 2,000
overpopulated, shrunk a little bit from the north,
as Representative Milroy's district is currently
underpopulated as is the rest of the northern tier
of the state. Working through the other parts of
the state, we saw -- we saw some areas of tempered
growth or noncompaction. We saw western
Wisconsin, southwestern Wisconsin had some
under-population; had some that actually were
pretty close to ideal population; but, again,
those districts will always change as a result of
the ripple effects working around the state.

    Dane County, explosive growth. A lot of new
folks moving into that area; and, again, you saw
the geographic area of those districts shrink
considerably. Milwaukee County, as Tad said, was
not shrinking in an absolute sense. It gained
population, but it did not gain to the statewide
average. Milwaukee County grew by .8 percent,
whereas the statewide growth rate was 6.02 over
the decade. That's pretty much all I've got.

    MR. OTTMAN: Just to walk through a
few of the numbers for you on these districts that
you see. In SB 148, the overall range in
deviation from -- which is the difference between
the most overpopulated district and the most
underpopulated district, that range is .76 percent
on the assembly maps and .62 percent on the senate
maps. That compares to the court-drawn plan in
the existing districts at the time of passage to a
little over one and a half percent was the overall
range in deviation, so on that criteria these maps
considerably improve on the court-drawn plan from
ten years ago.

One of the other criteria that kind of goes
hand in hand with that is the tighter your
deviation, the closer to the absolute number of an
ideal assembly district or an ideal senate
district that you get necessitates some other
choices in other places, and that involves
splitting communities.

In order to get the population to a more
ideal size, you have to split communities. On the
assembly map ten years ago the court split 50
communities. On this plan there are 62
communities split on the assembly plan, and that's
an example of the kind of tradeoff that you see
when you make choices between those principles of
reapportionment. You can't always satisfy every
principle in reapportionment. You have to make
choices in different areas of the state about how you apply those principles and how you balance them against one another.

MR. HOLTZ: Just to add to what Tad was saying about population deviation, the courts tend to focus on the overall range of the plan, which Tad mentioned at .76. Just another statistic I wanted to throw out there. The overall range is defined by the outliers, the most overpopulated and the most under-populated in a plan.

But another statistic I want to point out in reapportionment is the mean deviation. It's the statistic that's not defined by the outliers. It is the average of how much a district varies from ideal population over or under. Ten years ago the court plan had a mean deviation of 260 people on the senate plan and 170 on the assembly plan. Now, in SB 148, what you see is that our mean deviation is 93 on the assembly side and 149 on the senate side, so in that statistic it's not defined by the outliers. It gives you a little bit more of an idea where the districts fall on average. We are also closer to ideal population than the court plan. And just to point out, too,
the ideal population for the assembly districts is 57,000 -- excuse me -- 444 and for the senate plan it's 172,333, so just to give you some context on that.

MR. OTTMAN: And I would also add all those statistics are printed as an addendum to the bill by LRB; so if you look at the bill on the addendum, you can look district by district to see how close to ideal population, what the deviation from ideal population that district has. As a result of those choices and reapportioning to get close to ideal population and keep together communities of interest, I want to walk through just a few examples of some of the choices that were made in SB 148 in terms of different communities.

If you'll see on the senate map in the southeast corner of the state, this plan connects Kenosha and Racine, the cities of Kenosha and Racine, in one senate district, so it unites two large urban areas that share a lakeshore into one assembly district and then takes the rural parts of both of those counties and puts them into a separate senate district. So that is one significant change that is kind of obvious when
you compare SB 148 to the current districts.

Another example I wanted to walk through was in the City of Madison. Under the current plan and partly through annexations and the growth in the communities surrounding Madison, Madison was split between a number of assembly districts and it's split between three senate districts. Under this plan, the City of Madison is entirely contained within -- has four complete assembly districts that make up the City of Madison.

There are two communities within the City of Madison that are kind of surrounded by Madison in Shorewood Hills and Maple Bluff, so those communities also make up part of those districts. So it's four complete assembly districts, and that leaves about 5,000 population of the City of Madison goes into a 5th Assembly District, and it also combines those districts into two senate districts rather than the current three senate districts, and both of those senate districts vote in the same election cycle. So everybody in the City of Madison will be voting for a senator in the same election cycle.

As a result, the 16th Assembly District -- I'm sorry, senate district gets much more compact
than under the current configuration, and the 27th Senate District, which formerly had parts of the City of Madison, then picks up some of the remaining suburbs around Madison and then grabs some of the rural area in Dane County and expands to the north.

Another example I just want to touch on is the City of Oconomowoc, which is split in the current assembly plan. Under this plan that is put back together in one senate district. I also want to point out and kind of walk you through how some of these competing principles work about keeping cities in one district or splitting cities.

In the 9th Senate District the City of Sheboygan is entirely within the 9th Senate District but split between two assembly districts. The choice there, both of them meet the equal population criteria; but when you have a relatively large urban area surrounded by a lot of rural area there, by splitting a city in that instance, it allows you to keep both of those assembly districts more compact than if you have one small urban district and then a larger rural district around it.
So you can make different choices that are equally valid in different parts of the state, but that's an example of kind of how those principles work together as you put together a reapportionment plan.

MR. HOLTZ: And just to add on what Tad was saying, you'll also see in SB 148 that cities such as Eau Claire and Green Bay that were previously split essentially along the river that divides those communities have now been reunified, so the cores of those cities and their common economic and social interests are reunified in what you see before you in SB 148.

And just one other quick thing I'll add that's another example of how these completing interests have to be balanced. There are a number of cities in Wisconsin -- Eau Claire is one example. River Falls is another example -- where the city straddles a county lane, and that leaves you with a choice of you can put the city in one assembly district and split the county or you can split the city along the county lines and try and maintain those borders.

But they're mutually exclusive alternatives, and that's simply an example of either choice is
legally valid. It's a matter of making a choice on the map.

MR. OTTMAN: Next, we will put up for you some of the Milwaukee maps and walk through a little bit of what's going on in Milwaukee. As you see here, these are the current senate seats in Milwaukee; and as I pointed out earlier, all of those seats, especially on the north side, need to gain significant amounts of population to meet the equal population criteria.

And what I'll put up next is going to be a heat map that shows you growth in some of the minority communities in Milwaukee, and we'll begin talking about how that growth impacts the reapportionment of Milwaukee. The map to my right is a heat map of the African-American voting-age population in Milwaukee, and you'll see that the green areas are areas of little to no growth in African-American voting-age population, and that graduates up to the dark areas are the areas of highest growth in the African-American population.

And that's a function of two things. It's a pure numerical growth in the population, and it's also a concentration of African-American voters 18 age and older in those districts. So as you have
other races moving out and African-Americans
staying in those communities as well as the growth
in population of African-Americans, those will
both work to increase the concentration that you
see there on the map.

And this is one of those areas that we talked
about through the redistricting principle of
sensitivity to minority concerns and how as you
draw those districts, you must take that into
account.

MR. HOLTZ: And then to my left is
the same map but for the Hispanic voting-age
population in Milwaukee, noticing that the area of
concentration in the darkest red there falls south
of Menominee River in the National Avenue area.

And just to give you an idea on the raw
number and percentage growth over the decade, the
Hispanic community in Milwaukee County grew by
52.95 percent, all persons, and then voting-age
population was a growth of 54.29 percent over the
decade. So also just to note, the blue lines on
there are the -- is the overlay of SB 148 as
introduced, so that's the blue line showing you
how the districts as proposed relate to the heat
map of the racial minorities.
Next what we'll show you is a larger display of maps for both the African-American -- I'm sorry, the Milwaukee districts for both the senate and the assembly districts.

CHAIRMAN ZIPPERER: If I could interrupt for just a second, I know some of the public are having a hard time seeing the maps. If we could have the maps as they're displayed kind of put up by the back side; and, please, whether you approve of what the chairman says or anybody else, please, no clapping or anything else. Just go on without comment, but thank you.

MR. OTTMAN: These are the new -- to my right is the new senate seats; and as you'll see, geographically they by and large get larger, particularly on the north side of the city, and that's a direct result of the need to add population to those districts while also being respectful of minority concerns.

The goal in those seats is to allow members of the minority community to elect candidates of their choice; and so as these districts were drawn, these were the two main principles that were at play in drawing those districts, making sure that the population was sufficient and making
sure that minority concerns were respected.

MR. HOLTZ: Just to bring it into context, the change in the minority populations over the decade and what the court did ten years ago, ten years ago there were five African-American majority minority districts as drawn by the court plan, one influence district. That would be Assembly District 12. Then there was also Assembly District 8, which was majority Hispanic voting-age population.

Now, over the decade those districts became more concentrated in their percentages of African-American voting-age population. So just to kind of walk you through where we started out when the court passed the map ten years ago, where we are on census day and what SB 148 does, Assembly Districts 10, 11, 12, 16, 17 and 18 are the districts in question here. All of those except for Assembly District 12 were majority minority at the time of the court map being passed ten years ago.

At the time of court passage Assembly District 10 had an African-American voting-age population of 67 percent; 11, 62 percent; Assembly District 12, 32.7; Assembly District 16, 60.45;
Assembly District 17, 61.88; and Assembly District 18, 56.7.

As of census day 2010, what I'm about to list off are the percentages of African-American voting-age population in those districts as of census date 2012. Assembly District 10 is 67.43. 11 went up from 62.85 to 75.84. Assembly District 12 from 32.77 to 48.99. Assembly District 16 was 60.45. On census day it was 55.87. Assembly District 17 went from 61.88 from court passage to 74.1 as of census day, and Assembly District 18 went from 56.7 to 58.85.

And then finally I just want to give you the numbers on the African-American voting-age population in SB 148 as proposed. Assembly District 10, 61.79; Assembly District 11, 61.94; Assembly District 12, which was the influence district ten years ago, is 51.48 in SB 148. Assembly District 16 is 61.34. Assembly District 17 is 61.33, and Assembly District 18 is 60.43.

MR. OTTMAN: I was just going to add the corresponding percentages for the senate districts ten years ago. The African-American voting-age population was approximately 54.2 percent, and Senate District 6 was approximately
59.6. Under SB 148 the corresponding percentages are 58.4 percent for Senate District 4 and 61 percent for Senate District 6.

To my left then is the same exercise for the Hispanic districts on the south side of Milwaukee.

MR. HOLTZ: And just to touch on the Hispanic community, and we'll get more into detail, but just to give you kind of percentages where the court passed the map and where we were as of census day, Assembly District 8 was the majority minority African-American -- or, I'm sorry, Hispanic seat. At the time of court -- the court adopting the map, it was 58.34 percent. On census date 2010, it was 65.5 percent. SB 148 as it's proposed is 57.24, but we'll get into more detail about that and some alternatives as we move forward.

Assembly District 9 at the time of court passage was 22.94 percent Hispanic voting-age population. It went up to 46.18 as of census day 2010, and, again, SB 148 as proposed is 57 and a quarter; but, again, we'll get into some alternatives about that as we move forward.

MR. OTTMAN: And just to give you the corresponding number on the senate seat, which
is Senate District 3 there, at the time of the court-drawn plans the Hispanic voting-age population in that district was approximately 28 and a half percent. Over the decade that grew to slightly over 38 percent, and under SB 148 as well as the alternatives we'll show you in a minute that percentage grows to 40.8 percent.

And now what we have done is with Assembly Districts 8 and 9 there are several different ways that you can configure those districts. We haven't described for you the way they're proposed in the Senate Bill 148, and there's one amendment introduced that we're going to show you how that looks, and then there's also another amendment that's been drafted but not yet introduced that is kind of a third alternative as to how those two districts will be drawn, and let's put those up for you now. Within the boundaries of what you see in SB 148 there are a couple of different configurations of those districts that have not an insignificant impact on the voting-age population of those Hispanic seats.

The district to my right is -- this amendment is being drafted. It's not yet been introduced, but what this amendment would do would create
Assembly District 8 with a voting-age -- Hispanic voting-age population of 60.5 percent and Assembly District 9 with a Hispanic voting-age population of 54 percent.

MR. HOLTZ: And then to my left you will see the amendment that has been introduced and is currently online. It's a rebalancing of the districts that Tad mentioned but in a way that makes Assembly District 8 64.0 percent Hispanic voting-age population and Assembly District 9 50.6 percent Hispanic voting-age population. So those are the -- and then just to bring us back to SB 148 as proposed, that is a split at 57 and a quarter for both Assembly Districts 8 and 9.

MR. OTTMAN: As we previously discussed, the senate seat, Senate District 3 at the beginning of the decade, after the court-drawn plan, was 28 and a half percent, and the Hispanic voting-age population in that district grew by 10 percent over the decade. With this map under all of these configurations, the senate district is over 40 percent, almost 41 percent; and as we've seen on some of the earlier population trends, Hispanic community in Milwaukee is one of the fastest growing segments of the city and of the
So over the course of the next decade you could see that senate district grow in Hispanic voting-age population to the point where it may tip over to a majority minority district. The reason that we drafted these alternatives is that we hope that there will be, you know, commentary from the public on which alternative they feel works best for the community and that the committee and the legislature will be able to weigh those alternatives as this bill moves forward.

The next item I just wanted to bring to your attention is the items of legislators who were paired, and let me just give you a quick -- a quick rundown of which legislators are paired under this map. On the senate side there's a pairing in the 21st Senate District between Senator Van Wanggaard and Senator Wirch. On the assembly side there are a number of pairings. In Assembly District 7, Representatives Krusick and Zepnick. In Assembly District 92, Representatives Danou and Radcliffe; in Assembly District 22, Representatives Ott and Pasch; in Assembly District 31, Representatives August and
Laudenbeck; Assembly District 60, Representatives
Pridemore and Kessler; Assembly District 61,
Representatives Kerkman and Steinbrink; Assembly
District 88, Representatives Klenke and Jacques;
Assembly District 14, Representatives Kooyenga and
Cullen; Assembly District 89, Representatives Van
Roy and Nygren; and in Assembly District 33,
Representatives Nass and Jorgensen.

As we discussed earlier, the three main
principles that define reapportionment are equal
population, sensitivity to minority concerns, and
compact and contiguous districts. In
reapportioning to those standards, pairings are
sometimes an inevitable consequence, and that is
why you see those pairings here. There were a
number of pairings after the last court
redistricting plan as well. It's one of the
consequences of meeting the other standards of
reapportionment.

MR. HOLTZ: Just something to add
in also, it relates to open seats and pairings and
going back to the amendments for the Hispanic
community. In all three configurations the
rebalancing of Assembly Districts 8 and 9, in all
cases Assembly District 9 is an open seat. I just
wanted to point that out. So whatever amendment
the Hispanic community comes out in favor of, all
three of those configurations represent an open
9th Assembly District.

MR. OTTMAN: And similarly on the
north side of Milwaukee the Assembly District 12,
which we walked through the percentages before,
that is also an open seat at this time.

The final thing I kind of wanted to describe
to you was the issue of disenfranchisement; and if
you remember back to the senate district in the
overpopulation and under-population map that we
discussed at the outset, disenfranchisement occurs
when -- essentially when a voter goes six years
between the opportunity to vote for state senate
-- state senator.

In this reapportionment, that occurs when a
member who presently lives in an even-numbered
senate district under the new map would reside in
an odd-numbered senate district, and that means
they would go six years in between elections.
Under any reapportionment plan a certain amount of
disenfranchisement is inevitable and unavoidable,
and a couple examples. As we talked about in Dane
County, between the three senate districts in and
around Madison were in that 40,000 population, there's no place for those people to go other than odd-numbered districts because that's what surrounds those communities. Similarly, in the 10th Senate District in western Wisconsin, which is 20,000 overpopulated, there's no place for those voters to go except into the odd-numbered senate seats surrounding it.

And furthermore, even when you have population of an even numbered -- I'm sorry, an odd-numbered senate seat that has to spill into other seats, the ripple effect by moving lines out into the next district causing them to move into the next district, that results in additional displacement and some additional disenfranchisement. What we've done here is tried to the best of our ability to minimize that displacement, and I'll let Adam walk through the numbers compared to previous court plans.

MR. HOLTZ: What we looked at with the disenfranchisement issue is establishing where courts have gone in previous maps, and what we found is that if you look at the 1992 court decision, there were 257,000 voters temporarily disenfranchised as a result of that map, which at
the time worked out to five and a quarter percent of the state's population.

    We used that as a benchmark, and then what we did is we took that five and a quarter percent and applied it to the new population of Wisconsin of 5,600,000 and change and almost 5.7 million, and came up with a number of -- in our disenfranchisement of 299,704. And what that does is it keeps on par with the '92 court decision that had a disenfranchisement of about five and quarter percent of Wisconsin's population.

    MR. OTTMAN: And with that, I think that kind of concludes our testimony. We'd be happy to answer any questions that the committee may have.

    CHAIRMAN ZIPPERER: Thank you for your thorough comments this morning. I kind of feel like I'm back in Statistics 101 here. Appreciate your work on this. I just have a couple questions, and then I'll throw it over to committee members. First of all, obviously everybody wants to see as much detail of these maps as possible. Do you have them available for committee members in some sort of electronic form that we could get that to committee members after
the hearing today?

    MR. HOLTZ: The legislative --

LTSB, our in-house Legislative Technology Services
Bureau, they have made the maps available online
in what effectively is a Google map, for lack of a
better term, so that is available. If you Google
Wisconsin Redistricting, it's the first hit. It's
interactive map. You can zoom in, zoom out, check
things out at the street level, and it's great.
It's very detailed.

    CHAIRMAN ZIPPERER: Okay. So
everything here is available online through LTSB's
website?

    MR. OTTMAN: Some of these maps.
For example, the heat maps of the population are
not readily available, but we can try and produce
copies and get them to the committee.

    CHAIRMAN ZIPPERER: Can we leave
them here available for members to look at?

    MR. OTTMAN: Sure.

    CHAIRMAN ZIPPERER: Thank you. I
guess, you know, one of the one of the questions
that has come up in the last week that I've heard
on redistricting since the map has been released
is, you know, what's the reason for the
legislature moving so quickly. Could you kind of talk to that issue a little bit about why the legislature should be acting now?

    MR. OTTMAN: Sure, the -- it's a constitutional requirement for reapportionment in the first session after the census is completed. I think one of the reasons why there is some urgency at this time is because former senate Democratic majority leader Judy Robson has filed lawsuit in federal court against the state saying that the current districts are unconstitutionally mal-apportioned.

    And given that this is a state function to reapportion, it's incumbent upon the legislature to act rather than to leave that to the court, and I think that's probably the clearest answer as to why it's incumbent upon the legislature to act as quickly as possible is because of that federal court challenge.

    CHAIRMAN ZIPPERER: Thanks. Just one other question from me. You mentioned some of the pairings, and then you mentioned a couple of the open seats. I think that obviously generates some interest of areas where there will be no incumbent living in a particular district at a
time.

Could you tell me how many or could you give me kind of a comprehensive view of what the open seats are around the state? Sounds like one in the senate and then however many in the assembly.

MR. HOLTZ: That's correct, Senator. The open seat is SB 22, which would be the Racine, Kenosha proper senate seat. On the assembly district side the open seats are Assembly District 2, 9, 13, 38, 47, 65, 32, 80, 90 and 91.

CHAIRMAN ZIPPERER: Thank you. I believe Representative Kuglitsch had a question.

REPRESENTATIVE KUGLITSCH: Thank you, Chair, and Tad and Adam. You have a great big undertaking and congratulations. You mentioned about pairings. Could you break that down into how many were Republican against Democrat, how many were Democrat against Democrat and how many were Republican against Republican? Thank you.

MR. HOLTZ: On the assembly side the breakdown of the pairings, there are two Democrat v. Democrat pairings, Krusick and Zepnick in 87. In 80-92 Representatives Danou and Radcliffe. Continued down the assembly list, on
the Republican v. Democrat pairings, you have Rep resentatives Ott and Pasch, Pridemore-Kessler, Kerkman-Steinbrink, Kooyenga-Cullen, Nass-Jorgensen.

And then the final category, the Republican versus Republican pairings, you have August-Laudenbeck, Klenke-Jacques, Van Roy-Nygren. And as we mentioned, there is one senate pairing with Senators Wanggaard and Wirch in SD 21. So all things considered, there are 12 GOP -- 12 Republican incumbents paired, in a pairing situation, and ten Democrats in a pairing situation.

CHAIRMAN ZIPPERER: Representative Danou.

REPRESENTATIVE DANOU: My first concern, and I have a number of questions. I don't know how you prefer to go through this, if you want me to go one at a time or --

CHAIRMAN ZIPPERER: Just you can proceed with a couple questions at a time. That's fine. No need to come back.

REPRESENTATIVE DANOU: I guess the first part is why these districts are being drawn in contravention of essentially longstanding legal
and tradition of allowing local communities draw
their ward lines first from the bottom up,
municipalities, counties, et cetera, and then the
State follows up. And what's going on is really
the State is essentially, from the looks of this,
imposing on the local communities the wards, and
I'm curious as to what the purpose of that is.

MR. OTTMAN: The answer to that
question kind of stems from my earlier comment to
Senator Zipperer in terms of why act now, and
that's because the federal lawsuit is challenging
the State that these districts are
unconstitutionally mal-apportioned and that the
State needs to act. And they are asking the
federal court to step in and act now because the
State has not acted. So I think that's why it's
incumbent upon the legislature to act earlier
rather than later.

And kind of the second part of the answer to
that question is technology has moved to the point
where it is much easier to draw these maps in
advance of the locals completing their process.
When I was first involved in redistricting after
the 1990 census, I was literally handed a sheet of
census data and some colored pencils. We've come
a long way since then.

The process of redistricting has moved along rapidly, and it is much more technologically feasible to act in this manner; and as you've seen, a number of states, including surrounding states, have already completed, who are well on their way to completing their reapportionment plan. So the timing in Wisconsin's reapportionment is not out of line with what several other states do.

REPRESENTATIVE DANOU: If I could just follow up on that, most of those states -- it's my understanding, for instance, Iowa has a nonpartisan redistricting. They're working on this ahead of time anyway, so that's maybe not an appropriate analogy.

But I'm looking at something from the Appleton Post talking about Fox Valley communities that have been working for months to redraw their political boundaries, and now all of a sudden we're going to drop this thing out of the sky on them. And they've got to rework around it after all this work they've already done.

I think we talk a lot in this place about local control except when it suits our needs, and
I think that's what concerns me here is we're really dropping these lines out of the sky on a lot of local communities. And in some ways, quite frankly, I know you're talking about maintaining compactness and integrity, but it's pretty clear that there's more going on there than that.

I think, you know, when we don't -- why -- why -- so the court case is going to proceed. I don't see the court case proceeding in such a manner that we can't at least allow by the end of this summer, which typically is August when they finish their lines, do this map in the fall, and we'd have it done sometime by the beginning and end of this year, beginning of next year, which is typically the way it's been done.

I am confused as to why, even with this court case coming, we need to move ahead at this rate, especially when I'm hearing a lot from a lot of local communities saying, "Let us draw our lines first."

CHAIRMAN ZIPPERER: I guess that was more of a comment than a question; but if you want to respond, feel free.

MR. OTTMAN: The only thing I will say is it goes back to under the federal court
case, we don't know what timeline they will
operate under. You may very well be right. They
could decide to act tomorrow. We just don't know.

MR. HOLTZ: Just add on that
quickly, Senator Robson, former Senator Robson,
filed an additional brief in court last Friday,
again, encouraging the court to act and intervene
in this process. So she has again filed trying to
push this process forward at the court level.

CHAIRMAN ZIPPERER: Senator
Erpenbach.

SENATOR ERPENBACH: Thanks. First
of all, Tad, I know you've been knocking around on
this for a long time, so I know you know that we
probably should have a PowerPoint in front of us
because we really can't see what you were talking
about, even sitting up here. So hopefully -- I
know I have more questions, and I know most of the
committee members would have more questions if we
could exactly see what was going on.

Couple of things. I want to get to the
timeline. Chris touched on it just a little bit.
It's a federal court case. It could -- it's going
to drag out for a little while. We could at least
wait three, four, five weeks and let the locals
draw their maps, draw their lines. But in the meantime, even if you didn't want to wait to let the locals do it, we could wait three or four or five weeks just to give the public an opportunity to take a look at this.

This was introduced last Friday. Here we are on Wednesday, in session next Tuesday to pass it. Now, this is something that's going to have obviously huge impacts on people not -- forget legislature -- on people all over the state. So would Senator Fitzgerald be open to delaying the process, letting people take a look at these maps until at least to the middle or the end of August before we actually voted on them?

MR. OTTMAN: I have not had that conversation with Senator Fitzgerald about the timing, would he be willing to wait or not. I mean, I can comment on, you know, the map, SB 148, and kind of how it's drawn. In terms of, you know, the other bill that -- SB 150 that changes the order in which the State -- I'm not prepared to testify --

SENATOR ERPENBACH: Right.

MR. OTTMAN: -- on that. And ultimately when to take up SB 148 and when to take
up the other bills is ultimately up to the
committee and to the legislature.

SENATOR ERPENBACH: And I know
you're just redistricting. I mean, we write the
map, then we change the law to make sure what we
end up doing is legal.

Couple of quick questions more so about the
27th Senate District and the 10th Senate District.
The 27th had 25,000 people more. The 10th had
10,000 people more. You said geographically the
20,000 in the -- the 27th had 25,000, so
geographically the 10th had to shrink.
Geographically the 27th Senate District gets
bigger even though it was the most populated
senate district, and there are two open, two new,
assembly seats within that. Can you explain that?

MR. OTTMAN: Yes. And as I kind of
started out my presentation, there's three core
principles that go into any reapportionment plan,
and that's equal population, compact and
contiguous, and sensitivity to minority concerns.

As you draw in accordance with those
principles, you have to make choices between some
of those principles when they're in competition
with each other. And as I walked through some of
the decisions that were made in Madison, the
decisions that we made in Madison were to kind of
unite the City of Madison, more complete assembly
districts and as well as two senate districts
rather than three. Those decisions have ripple
effects on other districts, and in this case they
had a ripple effect on the 27th Senate District.

I'll also point out that wherever you start
in the map, you could start at any number of
locations at the map to kind of begin your plan.
But the decisions you make at that starting point
ripple out all across the state, and some of those
decisions may look different than somebody who
started -- if you started with the 27th senate
seat, you would come to an entirely different look
for the whole state.

So it's a product of trying to balance
competing legal principles as well as, you know,
looking at starting points from where you begin to
reapportion.

SENATOR ERPENBACH: Where did you
start?

MR. OTTMAN: Typically we looked at
Milwaukee because of the sensitivity there to
minority concerns.
SENATOR ERPENBACH: So you started in Milwaukee and went out.

MR. OTTMAN: In some regards. You can start there, and you have other places that you then come together, and then you see how it all fits together. And then you reach decision points where, okay, here's where you started, here's where it leaves here, do we want to make a different decision there, and that ripples back and forth. So it really is a giant jigsaw puzzle trying to balance those competing legal principles.

SENATOR ERPENBACH: Taking the philosophy that you guys had with the City of Madison, it went from three senate districts down to two just for the idea of continuity, correct? So why not take that same philosophy one county south to Green County which had one senate district and now has three?

MR. OTTMAN: That certainly is a choice that could be made; but as I mentioned, there are different legal principles, and making a choice on those principles may lead you to compromise the other principle or to weigh the other principle more heavily.
So it's all a matter of choices. What you say is a perfectly legal, valid choice, but there are other legally valid choices that can be made. And that's why you see different principles applied in different parts of the state.

SENATOR ERPENBACH: And just two more questions, again, one dealing with the 27th, because that's the one I know the best. Again, keeping in mind that it had the largest population in the past ten years, and now we have two brand-new assembly districts within that senate district that had the largest population growth out of everybody else, how do you justify in order to get rid of -- not get rid of, that's not a nice way to put it -- to lose 25,000 people within that senate district, how do you justify essentially -- I don't know the numbers exactly, but at least 50 percent of it looks brand new.

If you just needed to lose 25,000, you would think that along with the lines of your philosophy of the 10th, it would probably shrink up a little bit; but as a result to lose the 25,000, 50 percent of the district is new. How do you justify that?

MR. OTTMAN: I know I'm going to
sound like a broken record, but it kind of comes back to the same point. It's -- there are reapportionment principles that are applied to any map drawing, and you have to make choices between them. And it's a matter of which choices you make in applying those principles and kind of where you start and where the ripple effect spills out.

SENATOR ERPENBACH: Okay. Then last question. Did you look at the partisan makeup of the districts at all, and, Part B of that, did the recall elections have anything to do with the timeline?

MR. OTTMAN: Again, answering your second question first, I can't -- I can't speak to the timeline. That's a question for leadership in terms of when it's moving.

SENATOR ERPENBACH: Is he going to be testifying?

MR. OTTMAN: I'm not aware of it, no. And, I'm sorry, what was your first question?

SENATOR ERPENBACH: First question is did you look at the partisan makeup of the districts?

MR. OTTMAN: That information was made available to all four caucuses by the --
SENATOR ERPENBACH: Yeah, but you guys had the legal representation. We didn't.

MR. OTTMAN: The information was made available by the Government Accountability Board through the nonpartisan Legislative Technology Service Bureau, and it was available to all four of those caucuses along --

SENATOR ERPENBACH: I guess the best way to put is did you consider the --

CHAIRMAN ZIPPERER: Senator --

Senator --

SENATOR ERPENBACH: -- partisan makeup of the districts when making -- when drawing up the maps?

CHAIRMAN ZIPPERER: -- if I could interrupt, I give committee members pretty much leeway to go back and forth on questions, but if you could let the individuals answer when they're here, that would be appreciated.

MR. OTTMAN: That information was available. I do not have that information here with you. It was available, but the principles by which the map were drawn were those that I enumerated earlier, equal population, sensitivity to minority concerns and compact and contiguous
SENATOR ERPENBACH: Did the partisan makeup of the districts come into play at all when drawing the maps?

MR. OTTMAN: The principles were the ones I enumerated. Those were the ones that drove drawing the map.

SENATOR ERPENBACH: So the answer is no?

MR. OTTMAN: The answer is that we followed those three legal principles.

SENATOR ERPENBACH: Okay. Thanks.

CHAIRMAN ZIPPERER: Representative Bewley.

REPRESENTATIVE BEWLEY: Thank you. I want to congratulate you on the balancing act that you have to do in order to put those things together. In drawing those maps, I know that you said you had to do that. You had to balance. I would like to suggest, and although you had suggested you cannot answer timeline issues, it would seem to me that there are a number of ways to determine what timeline one follows in this, and you are saying that the overriding concern is this court case but that the other timeline
pressures, such as existing tradition, the local control of communities, those timeline choices were passed over for the timeline choice of a court case. Could you comment on that?

MR. OTTMAN: I guess the only comment I would have on that is we were directed to work on the reapportionment plan, and that's what we have done in consultation with the leadership in both houses. Once that plan is put together, the timing and the ultimate passage of the bill as well as the legislation to allow us to act in this fashion is entirely up to the discretion of the legislature, so we prepared the plan. This is the plan that we helped prepare with directional leadership. The timing issues and whether or not to pass it is entirely up to the legislature.

REPRESENTATIVE BEWLEY: The suggestion or the necessity to have legislation in order to do it this way is part of what you're presenting to us today.

MR. OTTMAN: We are only testifying on SB 148.

REPRESENTATIVE BEWLEY: Okay.

MR. OTTMAN: The rest of the bills
are in the committee and in the legislature for --

REPRESENTATIVE BEWLEY: Fair

enough. I had one more question. Could you
please put up the assembly maps statewide
proposed? And I want to ask a question concerning
you had implied that you have to start somewhere.
There has to be a beginning point, and from that
you would -- you know, then there's somewhere you
move outward from that. I would just like to
point out that clearly the 87th was not the
starting point, if you look at that map.

If I look at that and I would ask a
reasonable person, I would say that any reasonable
person would look at the 87th and say, "This isn't
done. This cannot be the end result, really?"
Could you comment on that?

MR. OTTMAN: Sure. And what Adam
is doing, he is putting up the present
configuration of the 87th Assembly District. And
if you look at the two of them in comparison,
while their shape didn't change, kind of the total
area and the general shape of the district under
the current map and the proposed map is not
radically different. That was a sprawling
district ten years ago. It remains a sprawling
district.

    REPRESENTATIVE BEWLEY: But don't you take the opportunity to improve upon what are difficulties? And, again, I know you have to balance but --

    MR. OTTMAN: You kind of answered my question for me. You look for -- you know, I enumerated a couple of the communities we tried to put back together or tried to put into one district. Geography is a factor, and the other factor which I touched on earlier was disenfranchisement.

    When you make radical shifts to the outline of a district in order to maybe establish something that doesn't look as sprawling, there are ripple effects that may play into disenfranchising people, whereas you may make a choice to keep it closer to the current configuration and not have that -- those other sides effects.

    There are competing legal principles, and choosing one principal has an effect on other principles.

    REPRESENTATIVE BEWLEY: Understood.

Thank you.
CHAIRMAN ZIPPERER: It's come up a couple of times the order of whether municipalities go first or the State goes first. I realize you're not specifically talking about that bill, but you've been around the legislature a little bit longer than me and longer than a lot of the committee members. Haven't there been other proposals in the past, as technology has evolved, to allow the State to go first? Haven't there been proposals in the past in the legislature here from past sessions that have been put forward? Are you familiar with any of those?

MR. OTTMAN: Yeah. In fact, you know, looking at the legislation, again, I'm not here to testify in SB 150, but it's my understanding that the bulk of the language in that bill was lifted from previous bills introduced in the past by Senator Chvala and Representative Kessler.

CHAIRMAN ZIPPERER: Something Senator Chvala and Senator Kessler have proposed, at least along this whole line.

MR. OTTMAN: The concept is certainly not new.

CHAIRMAN ZIPPERER: Thank you. I
believe Representative Danou had a question.

REPRESENTATIVE DANOU: Yeah, just a couple more brief follow-ups here. Getting back to -- I guess getting back to this whole timeline issue, and I'll ask -- and maybe this is a better question with respect to chairs. We're talking about the timeline. From what I'm hearing from you, the timeline issues are really being set by the speaker and the majority leader respectively.

Are we going to have a chance to hear from them at all because really you guys are working for the leadership of your respective houses, and they're not here to hear from. And I'm wondering, are we going to hear from them today? Do we have any idea? Are they planning to be here to discuss this?

CHAIRMAN ZIPPERER: I'm not familiar with any plans with respect to them being here. These are representatives of their offices.

REPRESENTATIVE DANOU: Okay. And I guess the other follow-up I have then is you talked about how back in the old days you used to draw these lines with a colored pencil. So who did actually draw the lines? I mean, was there -- who were the actual group of people that sat down?
I mean, was it you? Was it the actual speaker, the majority leader? Was it a group of lawyers from an outside law firm? Who were the ones that literally sat down at the computer now and drew these lines out? Can you tell me that?

MR. OTTMAN: Senator Fitzgerald and Speaker Fitzgerald asked Adam and myself to work on the reapportionment plan in consultation with legal counsel, so that's what we did. We had the redistricting software and the hardware and did the work of reapportionment, and then the ultimate decision was made by leadership in terms of final map.

REPRESENTATIVE DANOU: So it was literally -- you're saying you two are the folks that actually sat down at the computer and drew these final lines that we're looking at in front of us right now.

MR. OTTMAN: That's correct.

REPRESENTATIVE DANOU: Thank you.

CHAIRMAN ZIPPERER: Any other questions? Thank you very much. Up next, Professor Richard Esenberg speaking in favor.

Professor Esenberg? Welcome.

MR. ESENBERG: I'd like to thank
the committee for the opportunity to be heard. My name is Richard Esenberg. I am currently employed as president of the Wisconsin Institute for Law and Liberty. I'm an adjunct professor of law at Marquette University Law School.

I've spent the last four years as a full-time member of the faculty at Marquette and have taught and expect to continue to teach a variety of courses, including courses in state constitutional law and election law. My scholarship has appeared in Harvard Law Review, Harvard Journal of Law and Public Policy, Wake Forest Law Review, William and Mary Bill of Rights Journal and Election Law Journal, among others.

I appear today in my individual capacity as a citizen, lawyer and a scholar and not on behalf of or as a representative of the Wisconsin Institute of Law and Liberty, Marquette University Law School. In addition to making clear for whom I speak, I want to clarify the nature of the comments that I intend to offer. I have been asked to opine on the legality of the plan that has been proposed, by which I mean its vulnerability to challenge federal constitution, state constitution and other applicable legal
requirements such as the Federal Voting Rights Act. The answer to that question is quite clear. The plan is simply not vulnerable.

I am not, however, here to testify whether this is the best plan or whether there might be some other plan that has certain advantages that may or may not be desirable. I don't propose to answer those questions because a court will not ask those questions. This is something -- we are on the brink of something that we haven't had here in the State of Wisconsin since the 1930s, and that is a legislatively drawn redistricting plan that would presumably be signed by the governor.

The reason that we haven't had that is not because courts are in business of micromanaging redistricting. The reason that we haven't had it is we generally had divided government in the State of Wisconsin. And unless one party controls both houses of the legislature and the state house, it is unlikely that a legislative redistricting scheme will ever be adopted.

So as we move into this new territory, I think it's important for us to note, particularly in light of some of the comments that have been made in the press, what courts actually do with
respect to legislatively drawn redistricting plans, and the fact of the matter is they are highly deferential to the judgment that is exercised by the legislature and the government because they recognize that what one judge called the high-wire act of legislative redistricting is an inherently political process. And review of that process is not readily susceptible to judicially manageable standards, that is, the type of neutral principles that we lawyers like to apply.

And so in reviewing a redistricting plan, courts ask a narrow set of questions. The bar is, with the exception of the requirement of equal population, relatively low. Before moving on to discuss that particular criteria, I want to point out two things. First of all, that's not a bad thing. That's a good thing. It's a recognition on the part of courts that redrawing legislative districts requires the balancing of a number of competing principles that often conflict with one another.

It requires a recognition of the decision in one part of the state will affect decisions in other parts of the state and that the application
of even widely accepted principles, like contiguous districts, compact districts, attempting to respect municipal boundary lines, respecting rights of minority voters, all require the making of judgments upon which reasonable people may differ and that the best way to have those decisions made is to commit them to the collective representations of the people subject to very limited judicial review.

This also has implications for the way in which we should think about the prior judicial drawings of districts here in the State of Wisconsin because those decisions, the Prosser decision and those decisions, prior to making -- drawing these districts, because the courts had to draw them because the legislature couldn't agree, that they don't necessarily establish minimal standards for redistricting. The courts themselves recognize that. The three-person panel in the Prosser case, for example, in 1992 said that they would not favor one political party over another, but they noted that that was because they were drawing the districts in the first instance. They said that if the plan had been enacted by the legislature and approved by the governor,
they would be little concerned about allegations
of partisan gerrymandering because that is largely
what you will see, a matter that is considered to
be a nonjusticiable issue. And so those decisions
may be instructed. They may tell us what type of
things are acceptable, but they do not establish
any type of a road star or base for the evaluation
of this plan.

And we should not think of this process as a
prelude to an inevitable judicial rewriting of the
plan. Based on what I've seen, I think that's not
going to happen. I think any challenge to the
plan would be almost frivolous, and let me explain
why.

The first item the courts are going to
consider is going to be the matter of equal
population. We all know that after Baker versus
Carr we have to draw legislative districts to be
as close in population as possible to some
standard. It's not clear what the standard is
with respect to legislative redistricts which are
governed by the Equal Protection Clause as opposed
to congressional districts in which all avoidable
departures from mathematical quality have to be
eliminated.
And legislature has provided a little bit more leeway in assigning population to legislative districts, but we do know that the departure from the median in this plan is a small -- in fact, smaller than those that were approved by the Court. In fact, the Court in Prosser said that any average deviation to the mean less than one percent is constitutionally insignificant. This plan certainly satisfies that qualification.

There would seem to be no possibility of any challenge to the plan based on failure to draw equally sized districts. I have -- we have all read, since the plan was submitted, a criticism of the plan on the grounds that it may favor one party over another. To be sure, I have no idea whether it does that or not. I haven't sat down with a computer and attempted to figure it out, but I will presume for the purposes of going forward that it may be so, that the plan is more favorable to Republicans than other plans that might conceivably be drawn.

In fact, I suspect that it is clearly more favorable to Republicans than one that might have been drawn had Mayor Barrett won the election and had the Democrats retained control in both houses.
of the legislature. When we talk about judicial
review of the plan, however, none of that matters.
Partisan gerrymanders are effectively
nonjusticiiable. You cannot expect to be able to
go into court and successfully challenge a plan
because you think the legislature should have
adopted a plan that favored the majority party
less.

Here's why. The United States Supreme Court
in 1986 in a case called Davis versus Bandemer
recognized at least in theory that a partisan
gerrymander might be justiciable, but the justices
couldn't decide on a standard by which to evaluate
them. The plurality adopted a standard which
appeared to be quite vague and quite deferential.
It required not only an intent to discriminate
against an identifiable partisan group but also an
actual effect, and that effect had to be severe.

The Court said that plurality said that
unconstitutional discrimination occurs only when
the electoral system is arranged in a manner that
will consistently degrade voters -- a group of
voters' influence in the political process as a
whole. The Court made clear that the constitution
does not require that a redistricting plan be
drawn in a way which reflects or for that matter
is particularly close to the proportional support
enjoyed by the competing political parties in the
state as a whole.

And it's not hard to recognize why the Court
didn't require that. That would really put us in
proportional representation system that other
democracies have, but we, like the English, don't
have that. We have the Westminster system. We
elect representatives by geographic district, and
that will often result in results which depart in
some way from the overall support of a particular
political party in the state, and the Court in
Davis was not willing to impose a proportional
representation system through the vehicle of
redistricting.

So we had after Davis the fact that a
partisan gerrymander could be challenged in theory
but probably -- but the standard was unclear. A
standard favored by a plurality of justices seemed
to place a great burden on anyone who would
challenge such a plan on that basis, and not
surprisingly, for the next 18 years, no challenge
to any redistricting plan anywhere, based on the
fact that it was overly partisan, was successful.
They all failed. Every one of them.

And so it wasn't surprising that in 2004 when the Supreme Court returned to the matter in a case called Davis versus Jubelirer, a plurality of the justices indicated that Davis should be abandoned and that a partisan -- an allegation of partisan gerrymandering is nonjusticiable because courts had no way to figure out what the ideal plan would be, how much should the plan favor Democrats, how much should the plan favor Republicans. That's simply not a question that courts are capable of answering. So four justices said it's not justiciable.

The fifth vote came from Anthony Kennedy who said, "Well, I can't think of any way that it would be justiciable. I can't think of any judicially manageable standard to employ to evaluate these challenges, but I'm not prepared to say today that somebody won't think of one someday."

Now, as a lawyer who's been practicing 30 years and as somebody who's taught and wrote about election law, I come to one conclusion. Partisan -- challenges based on partisan gerrymandering is simply not going to work. In fact, I would
suggest that anyone who attempts it is wasting their money. And the reason for that is because of the judicial deference that courts afford to legislatures in making their very political decisions and the judgment calls necessary in the redistricting plan.

And so I think, at least in terms of the legality of the plan, allegations that it's not fair to Democrats, favors the Republicans too much is simply not going to go anywhere in a court. This is something that we can debate about in a political arena, but it is not the basis for a legal challenge to the plan.

The state constitution does require, as you noted, that in Article 4, Section 3, that assembly districts be contiguous and as compact as possible. Article 4, Section 5 requires that senate districts be conveniently contiguous, but courts again are very, very deferential in applying those standards because there are all sorts of justifications for departing from the most compact possible district and, in fact, an infinite number of ways to draw compact districts; but in assessing whether districts are -- of course, the districts are contiguous. There's no
question of that, but in assessing whether the
district is as compact as possible, there are all
sorts of reasons that a plan might depart from
that.

It might be seeking to avoid minority vote.
It might be seeking to promote competition. It
might be seeking to accomplish something that the
district and people call core retention, where you
try to minimize the number of voters who are moved
from one district to another. May be attempting
to respect the boundary lines of political
subdivisions.

The Article 4, Section 3 says that county
precinct and ward boundaries should be kept
intact, not, interestingly enough, city
boundaries. The courts have recognized that
that's not an absolute command. In fact, we
haven't had a plan in Wisconsin that didn't cross
county boundaries since I think the 1960s.

And so because courts recognize the inherent
complexity of drawing compact districts and
because compactness is itself a very subjective
thing, you will look long and hard before you find
any case -- and, in fact, I don't think you will
find any case -- in which a legislatively enacted
redistricting plan has been invalidated solely because it was insufficiently compact.

Now, having said that, one of the fun things I like to do with my election law students is show them pictures of legislative districts that have been drawn somewhere to -- it's sort of an exercise in showing just how imaginative legislators can be in drawing these districts. And I can put up a lot of examples of things that some of which have been upheld, which are sort of remarkably shaped things. Compared to what I have seen, the map here looks like a chessboard.

Of course, it's never going to look like a chessboard because of these competing principles; but as these things go, this is not -- this map does not contain any sort of bizarrely shaped districts. I can certainly show you many that have been upheld in which the boundaries are a lot -- are far more imaginative than these.

Where compactness tends to come into play is in assessing whether or not a plan has been drawn in a way that would run afoul of some other constitutional command, particularly the duty to protect the interest of minority voters. That's the last thing I wanted to touch on this morning.
There is -- a plan does of course have to comply with the equal protection. It cannot be drawn in a way which is intended to discriminate on the basis of race. It also must comply with Section 2 of the Voting Rights Act, which may, under certain circumstances, require the creation of majority minority districts.

Now, having looked at the plan on that basis, the plan seems to do quite well to, in fact, create six majority African-American districts, assembly districts, and two African-American majority senate districts. If I read last year's census correctly, results in a number of majority African-American districts which would be roughly proportional to the African-American population of the state much less the percentage of African-Americans that comprise the voters in any particular elections. That's a quite a remarkable feat.

In fact, I suspect that you could justify having fewer majority African-American districts than that, but I think that the legislature is certainly warranted and would be upheld in creating the six that it created. With respect to Hispanic districts, of course, the question is a
bit more challenging because the Hispanic population is not as compact, and in a series of cases decided beginning in 1993, the United States Supreme Court has made it clear that not only are legislators not required to draw bizarrely shaped districts in order to create additional majority minority districts, they, in fact, are not permitted to do so.

In the case Shaw versus Reno in which the legislature in North Carolina wanted to create a majority African-American district so it drew a district which literally ran along the corridor of I-85 for 50 miles, the boundaries of the districts were on each side of the median to connect two areas of African-American population. Court said, well, that goes too far. That violates the Equal Protection Clause because now you're discriminating on the basis of race.

Of course, this plan does not do that. I don't know whether it would be possible to create additional majority minority districts by engaging in that type of gerrymandering, but even if it was, it probably wouldn't be permitted. So once again it seems that the plan is not susceptible to challenge under either the Equal Protection right.
or the Voting Rights Act.

So once again, my comments are not directed to the political merits of the plan. That's something that you all will debate, robustly, I imagine, and I look forward to watching that. But as a lawyer and an academic, I feel confident in suggesting to you that if this is the plan that is adopted, it will not be susceptible to successful judicial challenge; that if this plan is adopted, it will be the plan. Courts will not rewrite it. Thank you.

CHAIRMAN ZIPPERER: Thank you for your comments. Are there questions from committee members? Senator Risser.

SENATOR RISSER: Yes. I appreciate very much your analysis. I think it was very well put. We're reviewing three bills, and the third bill has certain requirements, make certain requirements of the Supreme Court, requires the Supreme Court to do things, requires the Supreme Court to assign a three-judge panel to hear any challenges and turns around and says the Supreme Court must choose a judge from certain circuits.

It makes -- it requires the Supreme Court to do something. There is a drafter's note saying
that this bill probably is apt to create a
violation of separation of powers. My question to
you is what about this? Can we turn around and
direct the Supreme Court to do all these things?

    MR. ESENBERG: Well, you know,
that's -- first of all, I want to point out that
what I was asked to come here and do is to talk
about the redistricting plan in light of judicial
standards for redistricting. Now we're talking
about process, which is a separate issue, and the
extent to which the legislature can circumscribe
the power of the State Supreme Court is always a
difficult issue. And of course it does it in many
ways.

    For example, the legislature has prescribed
certain procedures for the judicial review of
recount elections, right? Everybody in this state
is now an expert on recall elections. First of
the year we all know more about it than we ever
did before, and we know that if we look at the
statutes there are all sorts of prescriptions as
to how those were to be reviewed.

    The legislature lodges venue for actions
against the State in Dane County, so I would not
react to that automatically by saying, well, I
think that's a violation of separation of powers. On the other hand, I would want to have an opportunity to consider it more carefully before I gave any type of legal opinion on that because, again, that wasn't what I was asked to come and do.

SENATOR RISSE: Thank you.

CHAIRMAN ZIPPERER: Representative Ballweg.

REPRESENTATIVE BALLWEG: Thank you, Mr. Chairman. Given your expertise in this area, just a little bit of a question regarding the statutes. You talked about when it comes to the congressional maps there's a very small deviation that's acceptable in population; legislative maps, a little bit more.

Are you aware, could you tell me what may be in statute regarding the deviation when you go into the city, county -- city, town and village wards? Is there a standard for population deviation?

MR. ESENBERG: Well, now, the question here is when we draw the district from which individuals are elected, there's a requirement of equality; and the way that it I
think works itself into the precinct -- down to the precinct level is that all of these pieces sort of fit together. And so when the legislature draws senate and assembly districts, it's required -- it is held to an obligation to equally populate them with maybe a little bit more leeway than it has in drawing congressional districts, and the reason for that is because of different -- the Equal Protection Clause governs one, and Article 1, Section 2 of the Constitution governs the other.

But within these legislative districts of course there are going to be precincts and wards and municipalities, supervisory districts on the county level which were also going to elect representatives, and they're subject to the same requirement. So in Milwaukee we've got -- you know, we'll have senate and assembly districts subject to this requirement of equal population. We'll have aldermanic wards. They are subject to the same requirement and as are supervisory districts.

So it's not so much that a precinct or ward that doesn't have -- that doesn't have -- that isn't itself the district from which an official
is elected need to be equal in population, but
they tend to be anyway because -- as a
constitutional matter, that is, but they tend to
be anyway because they are the building blocks for
districts that are all subject to this
requirement. So I think that's the way the
process works.

CHAIRMAN ZIPPERER: Representative
Danou.

REPRESENTATIVE DANOU: Yes, thank
you. I guess the first question I'll ask you is
you said you were asked to come. Who asked you to
come testify at the hearing today?

MR. ESENBERG: I was asked to come
here by Jim Troupis. I was not, incidentally,
told what to say. Jim knows better than that.

REPRESENTATIVE DANOU: During the
processes prior to this, have you consulted or
spoken with or in any way worked with GOP
leadership or the attorneys drafting these maps
from the private law firms?

MR. ESENBERG: Not at all.

REPRESENTATIVE DANOU: Not at all?
No? And I guess the other thing --

MR. ESENBERG: I saw this -- I saw
this -- I saw this plan within the last, I don't
know, five days I'm thinking.

    REPRESENTATIVE DANOU: And I guess
my only concern is if you feel the -- and I guess
if the folks drafting it or you feel that it's so
airtight as far as being able to withstand court
scrutiny, any idea why they would offer such a
prescription for the Supreme Court to treat it in
a certain way and essentially force it down a
certain judicial --

    MR. ESENBERG: Well, since I wasn't
involved in drafting it at all, I could only
speculate, and I'm not even sure that I could
speculate.

    REPRESENTATIVE DANOU: Thank you.

    CHAIRMAN ZIPPERER: Senator
Erpenbach.

    SENATOR ERPENBACH: Thanks. I
appreciate your testimony. Jim Troupis the lawyer
who drew the maps?

    MR. ESENBERG: I don't know who
drew the maps. I know that he was involved in the
process; but other than that, I don't know how he
was involved other than the fact that I understand
that his law firm and Michael, Best were retained
to be involved in this process.

SENATOR ERPENBACH: Why did he ask you?

MR. ESENBERG: Why did he ask me? I guess you have to ask him, but my suspicion is that he knows that I'm someone with expertise and teaches in this area. One of the reasons I guess he knows is along with his prominent Democrats, I asked him to come and speak to my Election Law class at Marquette. I'm the only one that teaches Election Law at Marquette. I can't speak for the University of Wisconsin, and so it seems to me that it probably made some sense for him to ask me.

SENATOR ERPENBACH: And, Professor, you probably can't answer this. From what I understand, he is the State's or the Republican lawyer for redistricting. Why couldn't he be here today; do you know? Probably not a fair question to ask.

MR. ESENBERG: All I -- all I knew -- all I know is that somebody asked me to look at the plan, opine on whether or not it was susceptible to a judicial challenge and to be here in Madison in the Capitol at 10 o'clock.
SENATOR ERPENBACH: Yeah, they told me the same thing. And, again, not to question your credentials at all because obviously you're very qualified to testify, but I'm trying to put -- at least in perspective to me, I just want to have the right person. Same professor who comments on Christian radio, conservative talk shows and blogging?

MR. ESENBERG: Yes, and also Wisconsin Public Radio, National Public Radio, a number of radio stations here in Madison, and I've even been on Sly's station. I never turn down an opportunity to talk.

SENATOR ERPENBACH: You're going to run for office.

MR. ESENBERG: Traditional lawyer in that regard.

SENATOR ERPENBACH: And then the last question I have for you, in your opinion has the Court -- if you take a look at not only the legislative maps, but I don't know if you've had the chance to see the congressional maps, do the courts ever take into consideration just tradition of districts, like this has always been in the senate district or this has always been in this
congressional district; this has always been in this assembly district?

   MR. ESENBERG: I think the way that it tends to work itself out is in the following way. They're not going to -- they're not going to enforce these traditions. But let's assume that there was an allegation that a district had been drawn in a particular way to dilute the minority vote.

   I think in particular of a case called LULAC versus Perry. And, you know, typically anytime the courts deal with an allegation of racial discrimination they generally have to sort of infer intent from direct evidence because there tends not to be direct evidence.

   And so one would take into account departure from what would otherwise be traditional principles in perhaps concluding that the purpose here was to -- in that case it was I think to protect an incumbent who was thought to be threatened by growing Hispanic population in his district.

   And so they would look at the departure from what had been done in the past and traditional principles in order to conclude that another
constitutional command, not a command to comply
with tradition, or it's always been this way or
our own sense of -- you know, our own aesthetic
sense of what is and what is not compact, but to
conclude that in this case the legislature was
improperly motivated by a desire to engage in
racial discrimination.

But absent that, I think the answer is no,
you're not going to have a plan invalidated
because it does something different than what has
been done in the past absence some allegation that
one of these relatively narrow constitutional
limitations on redistricting has been violated.

SENATOR ERPENBACH: Thanks. Then a
question of the co-chairs real quick. With all do
respect with regard to those who we've had before
testifying so far, I'm wondering why the authors
of the legislation and the main lawyer who drew
the map, they're not here for questioning.

CHAIRMAN ZIPPERER: I guess you'd
have to ask them. The committee takes open
testimony. Whoever would like to come in and
speak can. We've had representatives of both of
the leaderships' offices that were here, and the
individuals, as you've heard, in response that
were immediately involved in drafting the legislation were the first two to speak. And I've got a list of about, I don't know, 30 folks still coming to testify.

SENATOR ERPENBACH: I think given the impact of this legislation and the quickness of the legislation, that the main authors and I guess the State's lawyers, for lack of a better term, should have been here to answer questions.

CHAIRMAN ZIPPERER: Chairman Van Roy.

CHAIRMAN VAN ROY: Thank you. When we're talking about this as far as the statutes and the courts, are we talking really -- first, is there one part of the law that really looks to -- is it population? Does it go to geography? Or as far as the different minorities, does one trump the other or where is the starting point to this?

MR. ESENBERG: Well, equal population would trump everything. That is, if you came back, if you tried to adopt a plan in which the districts widely vary in terms of population, that plan would be susceptible to judicial challenge. Now, we don't have that here, and typically we don't have that anymore because
legislatures have learned how to do this.

And the problem, of course, is that having equal population then works against all sorts of other considerations. That is, you know, keeping the compact district, following municipal boundaries, keeping communities of interest together, because people are not evenly distributed throughout the state. There's a lot of people that live in one place, a few people that live in another place.

And so because of that and because now having imposed this mandate of equal population in Baker versus Carr and a series of other cases, Westbury versus Sanders, the courts recognize that now the legislature has to embark on what, as I mentioned earlier, one court has called the high-wire act in which you now have to take into account all of these competing considerations shackled, if you were, for good reasons, it's not a bad thing, by this requirement of equal population.

And so at that point it seems to me that it was inevitable to come to a legal regime where courts would be highly deferential to what the legislature does, and the reason they would be highly deferential is because the United States
Constitution and the Wisconsin Constitution places the responsibility for drawing legislative districts with the legislature, not with the courts.

And so absent some departure from this equal population requirement or some form of racial discrimination or failure to abide by Section 2 of the Voting Rights Act, courts are simply not going to interfere in that process, and there's sort of a long tradition, particularly in federal courts, of deferring to state legislatures and sort of recognizing that this is a political question. This is something that the people's elected representatives are charged with the responsibility for; and if the people don't like what they've done, then the solution is to vote them out.

CHAIRMAN VAN ROY: One other, if I might follow up, so what you're seeing here is there's just more minority effect here. There isn't a lot of gerrymandering?

MR. ESENBERG: You know, it's never going to be a literal chessboard because it can't be. Once we went to the requirement of equal population in the sixties, you can't draw -- you
can't draw a map that looks like that anymore
because people are in different places, but I will
say that based on much of what I've seen, and I've
seen allegations in the paper that, oh, there was
sort of a bizarre inverted Y shape.

These aren't bizarre as these things go.
They're just not. They're fairly -- they look
like legislative redistricting plans tend to look.
You know, I could show you bizarre. I could show
you districts that look like a Rorschach test. I
could show you one in Georgia that looks like an
ink splat which has been allowed to run along the
table so that it splatters and collects, you know,
various populations that the legislators wanted to
be in that district. You don't have that here.

CHAIRMAN VAN ROY: Thank you very
much.

CHAIRMAN ZIPPERER: Thank you for
coming.

MR. ESENBERG: Thank you.

CHAIRMAN ZIPPERER: Up next we have
Congressman Dave Obey speaking against.

REPRESENTATIVE ZAMARRIPA: I just
have a question for the chairperson. Regarding
the Senate Amendment LRB 2266/1, the two staffers
that sat in for the authors of the bill said that they would speak to it later. Are they going to return so that we can discuss the amendment?

CHAIRMAN ZIPPERER: I'm not aware of that.

REPRESENTATIVE ZAMARRIPA: Because they did indicate in their testimony that we would go over it later.

CHAIRMAN ZIPPERER: Perhaps we can ask if they can, and we'll see if they can speak to that. But I'm not aware that they had intended to do so, but I appreciate you bringing it to my attention.

REPRESENTATIVE ZAMARRIPA: Thank you. It's the amendment directly regarding my district as well as the 9th District.

CHAIRMAN ZIPPERER: Okay. Thank you. Congressman Obey.

MR. OBEY: Thank you, Mr. Chairman. I'm happy to be here. I had a lot better luck getting into this building today than I did a few months ago. I couldn't help but think as I've been sitting here how lucky you are and how lucky I've been. We are all public servants, and whether you have served in the legislative
capacity for 48 years, as I did, or whether you have served just a few months in your first term, we've all been very privileged.

And I was reminded of that when I heard the last conversation because that last conversation was directed almost solely at the question of what can be done rather than what should be done, and I would hope that as legislators we would recognize that if the courts demonstrate a certain degree of restraint in reviewing the actions of legislative bodies, I would hope that the legislative bodies would demonstrate that same restraint in deciding something as basic as how these lines are going to impact people's ability to cast a meaningful vote in elections, whether it be for state legislature or whether it be for congress itself.

My wife spent a whole lot more time raising my boys than I did. Anybody in politics understands the burdens of a spouse. She told our boys a long time ago that there's a big difference between what you can do and what you ought to do, and I hope that this legislature will keep that in mind as they deal with this issue. I have been dealing with reapportionment since I was in the assembly in 1964.
I was deeply involved after I went to
congress in '72, '82, '92 and 2002 in helping to
work out the redistricting issues, and I regret to
say that if the congressional redistricting
program which is before the legislature today, if
that package passes, we will be an embarrassment
to the reputation of good government in wisconsin.

As you know, every ten years the courts
require district lines to be redrawn. There are
five problems that I see with the congressional
plan that's being presented. First of all, courts
have established a number of criteria that are
desirable in determining what happens with these
maps. The first is obviously equality of
population. The second is fairness to minorities,
but they also encourage respect for municipal
boundaries and for communities of interest and for
contiguity.

And the very process by which this is being
considered turns that process on its head by
essentially saying to localities that have gone
through a great deal of redistricting activity
already that they're just going to have to go back
and do a whole lot of that all over again. I
don't think that demonstrates much respect of the
responsible of local government.

I think, rather, it is more to be seen as a raw manipulation of power in defiance of the public interest, and in my judgment this package is designed to promote the interests of incumbent politicians at the expense of the public interest. Under the new census each district is supposed to be 710,873 people. In most cases these districts can be adjusted by making very modest adjustments in their existing lines. Example, the 6th District, Congressman Petri, all it needs to do to be in compliance is to add 5,700 people.

The 5th District, Mr. Sensenbrenner's, all it needs to be in compliance is to add 3,300 people. The 1st District, Mr. Ryan's, all it needs is to add 17,000 people. The 7th, my old stomping ground, all it needs to be in compliance is 21,000; and in the third district, the same with 19,000. But because of the blatant gerrymandering, this plan unnecessarily disrupts hundreds of thousands of people.

Example, if you take a look at the 8th District, the Green Bay district in the northeast, it needs only about 4,000 people to be in compliance, but more than 80,000 people are moved
around in order to accomplish these new lines. If you take a look at the 3rd and the 7th, all that you really have to do to equalize population between those two districts is to put all of Clark County into the 7th District. It's bounced back and forth for years between those two districts.

    Now, admittedly, if you did put all of Clark County in the 7th District, that would make that district modestly more Republican, but that is something that would occur on the natural, not due to manipulation. Instead what has happened is that the southwestern Mississippi District, the 3rd District, under this plan snakes its way up very surgically all the way up into central Wisconsin, slicing off Portage County and eastern Wood County, Wisconsin Rapids. That moves a lot of Democrats out of the 7th District. It moves them into the 3rd. It moves about 90,000 people with that little transaction, and then that -- that then requires the 7th District in turn to reach all the way down from Superior to Juneau County, two-thirds the length of the state, creating that ridiculous little appendage that you will see on the map that is attached to the 3rd District.
The impact of that is clearly partisan, and then there's another tricky little gimmick that is also produced. As you know, Pat Kreitlow is a declared candidate in the 7th District running against Mr. Duffy. Mr. Ryan went to great length to point out, oh, we didn't take Kreitlow's house out of the district, but they came within six-tenths of the mile of doing that. And what they did was to simply strip away Mr. Kreitlow's basic political base.

That, in essence, has created a situation where Mr. Duffy can effectively run away from his opponent without publicly appearing to be doing so. I don't think that's a healthy development, and I don't think that that will add to the credibility of the legislative process in this or any other endeavor.

A third problem. We've seen in academia and we've seen in the press a good deal of commentary about how reapportionment through the years has made the House of Representatives more partisan and more polarized, and I regret to say that that's true. And this will add to that process. It will double the Democratic advantage in the 3rd Congressional District, Mr. Kind's district. It
will make the 2nd District, Tammy Baldwin's
district, even more Democratic than it is today.
It will increase the Republican bias in the 1st
District by almost double what it was in the last
reapportionment election.

The fourth problem is that if you are
campaigning in the 7th District, it will make
campaigning immensely more expensive. Right now
if you run in the 7th District, you will buy La
Crosse television, you will buy Duluth television,
you will buy Eau Claire television. But under
this package you are also going to have to buy La
Crosse television and buy Minneapolis television.
That's hugely expensive. That may be
constitutional, but it ain't right. And it's not
healthy, and it favors an incumbent because
incumbents almost always raise more money or can
almost always raise more money than challengers.

Fifth, it obliterates communities of
interest. We heard here this morning how
communities of interest are a legitimate
consideration in drawing these lines. The 3rd
District has always been a Mississippi River
district. The 7th District has always been a
Wisconsin River Valley district. This map blows
both of those to smithereens. For over a century, Lincoln, Marathon, Wood and Portage have been in the same congressional district. Even the athletic conferences represent one unit.

When Elroy Hirsch used to play football for Wausau High before he went to Wisconsin, he played against Stevens Point, Wisconsin Rapids, Marshfield, Merrill and the like. Governor Dreyfus, when he was governor, he talked often about his concept of rural-plex, and he urged Marathon, Wood and Portage Counties to think as one economic unit rather than competing against each other. He urged them to think about their commonality rather than what made them different. He was right then, and I think that's right today.

So we've heard a lot of talk about what may be legal. I don't know what's legal. All I know is that the Court has the obligation to determine what is legal, but legislators have an obligation to determine what is right. And sometimes there is a very big difference, and I hope that you demonstrate that understanding and that knowledge when you move ahead.

CHAIRMAN ZIPPERER: Thank you for coming, Congressman. Are there any questions?
Senator Erpenbach.

SENATOR ERPENBACH: Thanks for testifying. You've been involved in a lot of maps. What was -- what was the process like when you were involved in it? How did it work?

MR. OBEY: Well, the first time was when I was a freshman in the congress, and the congressional delegation asked Congressman Bill Steiger, Republican from Oshkosh, and me to try to work out a map to consider for legislature's consideration. So Bill and I sat down. We were good friends. We'd gone to college together. He was my second best friend. Back in those days you had friends across the aisle, believe it or not, and he was a terrific legislator.

So we sat down, and we decided rather than trying to sit down and draw a common map, Bill suggested that we both draw a separate map what we thought would be fair for the other party. Now, that was complicated by the fact we were losing a seat, and so what happened is Bill drew up his plan. I draw up the plan what I thought made sense. We then met in his office. We turned the plan right side up, and they were virtually identical except I had put Barron County in the
3rd District. And he had put Chippewa -- instead of Chippewa, and he had put Chippewa in the 3rd instead of Barron, and the numbers worked better by putting Chippewa in the 7th. So that's what we did.

But before we started we had an understanding that we would not try to do with a pencil or a pen or a hand calculator. We didn't have computers in those days. We determined we would not try to do it with a calculator what we couldn't get done at the voting booth and that we would not try to tip districts to one advantage or another. We would basically play it straight.

In the end what happened in '72 is my district was essentially eliminated. We lost a seat, so the eastern part of my district went over to the 8th. The southern part went to Petri. The southwest part went elsewhere, and we were left with a 50/50 district. And Alvin Okowski and I had it out, but we submitted that to the legislature, and it was -- it was controversial. It survived by one vote. The principal objection to it was some people in Manitowoc County who didn't want to leave the 8th District, and that was the process.
In the next four iterations Jim Sensenbrenner and I sat down and tried to represent each caucus, and then we submitted it here the last time around. We had a long roadblock from Chuck Chvala before the bill finally was considered. But the process was basically that we tried as much as possible simply to jimmy the numbers; and if you ask Paul Ryan, I think he will be honest enough to tell you that he was very suspicious of me when we started because he thought I was going to be out to omit. And when we drafted -- it was complicated in the southeastern part of the state in the 1st District because you have large populations in a lot of municipalities.

And after he saw the changes that we were recommending, he said to me, he said, "Dave, I thought you'd be out to get me. I understand you're playing it straight." And he was playing it straight, and Sensenbrenner was playing it straight. And that's the way we went about it, but, I mean, it did not produce any high comfort level on my part. I mean, I survived for 42 years in 51 percent Democratic district.

And Ron Kind's district was marginal in the beginning. It's becoming more Democratic now, and
some of these districts you cannot avoid being lopsided. There are just a lot of Republicans in the Fox River Valley, for instance, and there are a lot of Republicans in Waukesha, and there are a lot of Democrats in Milwaukee. So you can't avoid some of that, but it is not good for the House. It is not good for the country if we continue to produce more and more safe districts and fewer and fewer competitive districts. And this will add to that process.

I have always had a mixed opinion on whether legislature should undertake this job or whether it should be turned over to the citizen commission. And as long as we've had divided government, I thought, well, I'll play it flat or play it round. I don't -- as long as you've got the parties to keep each other honest, maybe it makes sense to have a state legislature continue to draw these lines, but I think around the country what the pattern shows is when you have one-party government, that the majority party goes nuts.

And what they do is they determine that they're going to do what's good for their party, and I think what that means is that you ought to
have -- at least when you have one-party control, you ought to have citizen commission drawing these lines or at least as they do in some states, have them initially draw a map and then submit it to the legislature so there is some objective standard by which to judge the actions of the legislature.

SENATOR ERPENBACH: Two more quick questions. Do you know if the congressional Democrats had any input on this new congressional map at all?

MR. OBEY: All I can tell you is when I was told by the Democrats what was going on, they said that they attempted to have some consideration given to alternatives and were told no say.

SENATOR ERPENBACH: So they didn't have any input at all. Okay. Last question. At least I saw the congressional map in -- I think it was in the Journal Sentinel was the first time I saw it, a rough cut of it. We saw the official legislative map on Friday afternoon, late Friday afternoon. Here we are on a Wednesday. We're going to be voting on it out of committee before next Tuesday because we're on the floor next
Tuesday with it. Have you ever seen a map pass that quickly?

MR. OBEY: I sure can't remember one for someone that's been around 50 years.

SENATOR ERPENBACH: I should ask Fred. Fred, have you ever seen a map -- all right. Thanks.

CHAIRMAN ZIPPERER: Representative Danou.

REPRESENTATIVE DANOU: Real briefly, most of what I was going to ask has been covered, and let me just say it's been an honor to hear from you. You were my congressmen virtually the whole time I grew up in Marshfield so --

MR. OBEY: I'm sorry about that.

REPRESENTATIVE DANOU: Is this in your opinion the most partisan map you've seen in the history in your dealing with politics?

MR. OBEY: No, I can't say that it is, but I can say it certainly is partisan. And it isn't just partisan. It also adds to the polarization, and for God's sake, with all that's going on in this country now, with the needless fight over the debt ceiling, with the fights that we've had here in this legislature, does this
country really need to be made more polarized?

That's what's happening with this plan, and it's happening with other plans around the country. And somebody's got to step in and say, "Hey, for the good of the country, we need to restore more competition." And as I said earlier, if I can survive for 42 years in a 51 percent district, I have very little patience with people who say, "Oh, my God, I can't vote with Obey because I might get an opponent district or I might be cut down to 65 percent." People don't cast meaningful votes when you have numbers like that.

REPRESENTATIVE DANOU: Thank you.

CHAIRMAN ZIPPERER: Thank you.

MR. OBEY: Thank you very much. I appreciate your courtesy.

CHAIRMAN ZIPPERER: To answer I think the question that was presented over here, I believe the last time, at least to my recollection, the legislature passed and the governor signed a map that was enacted into law was in the 1983 session when Governor Earl was governor.

There was on July 11th SSAB1 was introduced
by the committee on assembly or at the request of
Governor Earl. That same day a public hearing was
held on the committee on elections. That same day
an executive session was held. It was placed upon
the assembly calendar the next day. The assembly
took it up on the following day and voted on it at
2:45 a.m. that same week, on the 14th.

So that was the last time the legislature had
passed. I believe the senate also passed it that
same day, and the governor signed it on the 15th.
It was four days after it was introduced.

Next up we have Zeus Rodriguez, Hispanics for
Leadership.

REPRESENTATIVE ZAMARRIPA: I
believe Zeus had to leave.

CHAIRMAN ZIPPERER: I think he may
have submitted something, so maybe we'll just
share that with committee members. Thank you. I
guess on that point, we've gone on a bit here with
the first couple, and I don't plan to limit
testimony today. But as we go forward, if
something that has been said before, if you can
avoid trying to say it again and expedite the
process as best we can, obviously we want to make
sure everybody has the opportunity to be heard and
questions to be answered, but we also want to make sure everybody doesn't have to wait all day so that we have situations like this where individuals have to leave.

So I guess we'll go next to Manny Perez representing Hispanic Republicans speaking in favor. Welcome.

MR. PEREZ: Thank you. Good afternoon, everybody. Good to see everybody. Good to see everybody again. I am here to speak in favor of the 60.5/54 redistricting map for Milwaukee south side. It is quite remarkable after hearing all of the different comments to see the Hispanic community coming in in a bipartisan manner, many community leaders getting together in arriving at an agreement of supporting the 60 and 54.

Let me just backtrack a little bit to share with you why I'm strongly in support of that and why I endorse it so strongly. I'm here as a former business owner in the Milwaukee south side where I owned part of the building, also as a chair of the Hispanic Republicans for the State of Wisconsin, and also as a former secretary of Workforce Development in that in my tenure I was a
person in charge of implementing programs and
techniques across the State of Wisconsin to fill
6,000 jobs per month in the first four months of
the year, so it shows I have a strong pulse in the
local communities and particularly the Milwaukee
south side.

It is very essential, and you saw the
employment numbers for May. You saw the national
employment numbers for June, and you're probably
going to see that reflected when the next
employment numbers are going to come out at the
end of this week for the State of Wisconsin. The
bottom line, as the governor indicated a couple of
weeks ago, is that economic development and
Workforce Development in the State of Wisconsin is
likely to be needed to be accelerated even more so
just to counter the effects of the national
economy on the State of Wisconsin.

As a result, it is wonderful to see how the
Hispanic community has gone from differing
individuals across the political spectrum to agree
in being proactive, as of two months ago, getting
together, discussing, and I'm sure they had to
hash out a lot of different opinions. But there
is a strong community support for the 60/54 person
redistricting that allows majority, but at the same time we need leaders that are very sensitive and that are very strongly committed to action plans in terms of economic development and workforce development and at the same time being sensitive to the needs of all the communities that are not the majority in that specific community.

One of the positions would need to be filled. I believe that it is vacant right now, so we need to move fairly quickly to move into the electoral process for that, I believe towards November. But at the same time it really shows the strong approach the Hispanic community is taking in terms of driving economic development and workforce development at a local community, Milwaukee south side of which we need those leaders to be heavily engaged and very strongly committed to achieve results.

So while it may not be perfect, but there is strong support. I believe Zeus, who has been -- took the leadership to get everybody organized, has submitted a document indicating different community leaders and different individuals who are in support of that, and I'm just very happy to see that because we really need to move forward.
Let me end on that, and I enjoy very much seeing everybody again. Let me open up for a couple of questions if any of you have a couple of them, okay? Thank you. Muchas gracias.

CHAIRMAN ZIPPERER: Thank you for your comments. I believe you're speaking to the district that Representative Zamarripa was discussing before. I understand that during your testimony the two gentlemen that lead us off here today kind of touched on the districts.

Maybe didn't get into the detail that you were hoping to, but maybe we can discuss some of that now. And I'm sure they would be more than happy to discuss kind of the details with you one on one at another point just to respond to that question from earlier. Do you want to be recognized?

REPRESENTATIVE ZAMARRIPA: Thank you, Mr. Perez, for coming out to testify today. It looks like -- you know, this has moved so quickly; and, again, I know my colleagues have echoed this, but I just became aware and was able to see the maps Friday afternoon. And today is Wednesday, so it's moving quickly. And I feel that I think that my Latino community hasn't had
the opportunity to offer the input that I think
that they deserve to offer us.

But it's -- and it's interesting that you're
happy to hear about a bipartisan effort. As chair
-- and I think all my colleagues here know that I
truly have tried to reach across the aisle and
meet one on one with many of my Republican
colleagues since I was moderated on January 3rd,
but in this case I just wanted you to elaborate
more on a bipartisan effort. I'm the only Latino
in the Wisconsin State Legislature.

And you as a chair of the Hispanic
Republicans, a true bipartisan effort, I would
think you would have come to me and sit down with
me. When were you made aware of the maps and why
not a meeting with the only Latino --

MR. PEREZ: I was invited to
participate in the process through Zeus Rodriguez
about two months ago. As I was leaving the
secretary position at that time, I decided not to
engage in the process directly. But when you have
individuals such as Gregorio Montoto (phonetic)
and Beto Ariel (phonetic) and different
individuals supporting the 60/54 percentage, you
know, Gregorio is Democrat, and so you can see the
examples support from the different community leaders.

In regards to the process in the legislature, I'm not very much aware of that. I am acting right now as a chair of the GOP. My participation here representing Hispanic Republicans as of three years ago, when I first became chair, I established the protocol that any Hispanic issues going through, you know, through any of the processes in the State of Wisconsin need to pass through the portion of the Hispanic chair. I couldn't do that when I was a secretary because I had to maintain both things separate.

REPRESENTATIVE ZAMARRIPA: But you're saying that you were aware, and you were able to view the maps two months ago?

MR. PEREZ: No, no, I didn't see the maps two months ago, just very much aware. I was interested in obtaining the information as to what is the community support. That is where I got involved, and they indicated we have support for the 60/54 redistricting map.

REPRESENTATIVE ZAMARRIPA: And a couple more follow-up questions, Mr. Chair. Thank you. 60/54, those are numbers --
MR. PEREZ: 60.5, I believe.

REPRESENTATIVE ZAMARRIPA: I'm sorry?

MR. PEREZ: 60.5/54.

REPRESENTATIVE ZAMARRIPA: Those are numbers I don't have, and, again, I think it's because the process is moving along so quickly. I don't even have that information. Are you aware that that's a -- is that a voting-age population?

MR. PEREZ: Yeah, it's a part of the numbers reflected on this --

REPRESENTATIVE ZAMARRIPA: Yep, that's how quickly the process has moved that I wasn't made aware, so I appreciate you letting us know that today. But I do again want to stress, and I'm glad that you have -- you mentioned Mr. Montoto. But a truly bipartisan effort would have included calling your only Latino in the Wisconsin State Legislature. Do you agree with that?

MR. PEREZ: I think that would probably be a question that would be best answered by Zeus because I believe he was the one that was leading all the effort and opening it up for everybody, and I do believe -- you know, have you been in communication with him?
REPRESENTATIVE ZAMARRIPA:

Yesterday he called me, not two months -- you said that you started to convene two months ago. So I just want to point out that I am interested in a bipartisan effort. I'm telling you that as a Democrat, and I hope that you'll take that away with you, and perhaps we can meet again soon.

MR. PEREZ: We can follow up our conversation.

REPRESENTATIVE ZAMARRIPA: Around something so crucial regarding our Latino community, it does, you're right, have to be truly a bipartisan effort.

MR. PEREZ: To me the issue of reducing poverty really is not blue or is not red. The issue of poverty and reducing poverty, which is our challenge through economic development, better jobs, better paying jobs for individuals, really has one face, and the face is hunger, despair and lack of opportunity.

So I'm glad to see the Hispanic community converging together and being proactive in agreeing on this because there are too many issues to be tackled, so thank you. Certainly a conversation to be had, and I'll be glad to follow
Representative Zamarripa: Thank you, Mr. Perez. I just have another follow-up question; and, again, it sounds like there was a beginning of a converging but not sufficient enough. Again, I'm the only Latino in the state legislature. I would have very much appreciated sitting down with the chair of the Hispanic Republican leaders.

Mr. Perez: Certainly. We will follow up and make sure that we communicate.

Representative Zamarripa: Because what I could have done is shed some light on the fact that, yes, although that with the maps that you're referring to, we do have two Latino majority assembly districts. There was potential to have a Latino influenced senate district so --

Mr. Perez: Correct, it could not get to 45 percent. That's my understanding.

Representative Zamarripa: We could have gone over 50 percent, and a truly bipartisan effort, sitting down together, I could have shed some light on that for you. And I feel that certainly it's important to have these two Latino majority assembly districts, but we are remiss
because there was an opportunity to create a Latino influenced senate district. And we have missed that opportunity.

    MR. PEREZ: Well, let's -- may I propose that let's follow up, you and I, so that we maintain bridges of communications and move forward.

    REPRESENTATIVE ZAMARRIPA: Can I ask, do you know, will the Republican party entertain an opportunity to create a Latino senate influenced district?

    MR. PEREZ: Let's get together, you and I, to get the details from you.

    CHAIRMAN ZIPPERER: If we could please maintain respect for the individual speaking.

    MR. PEREZ: First of all, very clearly is to show support for the 60/54 percent. Certainly I'm very willing to open up communications with you and myself, as chair of the GOP, and let's determine, and I have to look at all of the facts before I can commit to something or before I can say, well, okay, let me spearhead these initiatives.

    REPRESENTATIVE ZAMARRIPA:
Absolutely, I'll sit down with you, but, again, I agree with you, we should know all of the facts in front of us before this, you know, before we rush through a process that has a little public input. You know, I represent the 8th Assembly District, which is on the near north side of the City of the Milwaukee, as you know.

I represent a lot of working people, like you said, folks that are struggling to lift themselves up out of poverty. It's not particularly an easy thing, too, in the span of 72 hours to come to the capitol to testify.

People just aren't in that position in the way that you are, so I feel that the average Latino in my 8th Assembly District or representatives of the 9th Assembly District, I don't think they could have made it. In fact, I know. I'm looking, and I don't see any of my constituents here today.

MR. PEREZ: Well, certainly take that as a lesson learned so that we follow up, you and I, to get together.

REPRESENTATIVE ZAMARRIPA: Thank you, Mr. Perez.

CHAIRMAN ZIPPERER: Representative
REPRESENTATIVE BEWLEY: Thank you.

Thank you, Mr. Perez. I do need to follow up because frankly I'm somewhat stunned at this point that an elected representative did not have access to the level of input in redistricting maps that you did as a Republican leader in your community; is that accurate?

MR. PEREZ: No, I have not seen the maps. I know the percentages, and so I asked -- I asked the group where is -- what percentage is the community -- people in the community supporting. Indicated we have support for the 60/54 redistricting. I said, "Okay."

REPRESENTATIVE BEWLEY: But it seems to me that you said you were involved in this as of two months ago.

MR. PEREZ: I was invited to participate.

REPRESENTATIVE BEWLEY: And who invited you?

MR. PEREZ: Zeus Rodriguez.

REPRESENTATIVE BEWLEY: And what is his level of involvement?

MR. PEREZ: He is the individual
who moved everybody working together from both Democrat side and Republican side to work together towards the redistricting.

REPRESENTATIVE BEWLEY: Frankly, I'm stunned that you're willing to admit this, that you were working on this project --

MR. PEREZ: No, I was not -- I was not working. I was invited to, but I declined. I declined because I indicated at the time, "I'm just leaving the secretary position so that it would be fair that I not mix one thing with another. You guys participate, consult with me as things move forward."

REPRESENTATIVE BEWLEY: And why would they consult with you?

MR. PEREZ: I am the Hispanic Republican -- chair of the Hispanic Republicans, and therefore --

CHAIRMAN ZIPPERER: You are chair of the Hispanic Republicans and --

MR. PEREZ: And I have a business on the south side of Milwaukee as well.

REPRESENTATIVE BEWLEY: I think I need to ask you --

CHAIRMAN ZIPPERER: Representative,
I think one thing needs to be clarified.
Mr. Rodriguez, it's your understanding, was
working with the Hispanic organization, was not
working necessarily with Republican leadership or
any Republican official. He was working with the
Hispanic community in that neighborhood.

MR. PEREZ: That's correct, with
everybody.

CHAIRMAN ZIPPERER: And that's what
you were asked to participate in. Thank you. Are
there any further questions from the committee
members? Thank you.

MR. PEREZ: Thank you.

CHAIRMAN ZIPPERER: Up next we have
Senator Jauch, and then in order to expedite
things, I'll start announcing who's on deck so you
can get prepared. So up next will be Bob
Spindell. Up first, Senator Jauch speaking
against. Welcome, Senator.

SENATOR JAUCH: Thank you very
much, Mr. Chair. I appreciate the opportunity to
testify. I wish all of the citizens would have
the opportunity to evaluate this map, which is a
highly partisan -- drafted for partisan purposes,
defies Wisconsin's traditions because the average
citizen looking at this map would reach the same conclusion. It is not designed for the people. It is designed for the partisans, and it is wrong.

I've always believed -- I've been in the legislature for 29 years, and I've represented a district that is known as a Democratic district. But, in fact, the last 50 years it's been represented almost, for 21 of those 50 years, by Republicans. It can be a very competitive district. The assembly district that Representative Bewley holds has been represented by Republicans. Competition is healthy for the public. Strict partisanship is bad for our democracy. It's bad for our state.

One might wonder why I'm testifying in opposition to a plan that makes my district more Democratic. It's because it's wrong. It's wrong for the citizens of northern Wisconsin, many of whom will be disenfranchised as a result of this decision. In the 29 years that I have served, there's always been my belief that we have a responsibility to make decisions that are in the best interest, not for us as politicians, but are in the best interest to the public, decisions that will be honored by history and revered for our
1 respect for tradition. This plan does neither.
2 I've also believed that we are caretakers of
3 a public trust. I often said when I was the
4 Democratic leader that my first responsibility is
5 not to win elections but it is to assure that the
6 public will trust the institution long after I
7 leave this institution. That's our
8 responsibility. The fact of the matter is the
9 Republicans who drafted this plan and those who
10 will vote for it are acting as undertakers and are
11 burying that public trust. That is not the way
12 any of us should want to be revered or looked at
13 in history.
14 In the governor's conference room it says,
15 "The will of the people is the law of the land."
16 Frankly, this bill is an indicator of how little
17 the Republicans understand or respect the citizens
18 of Wisconsin. Next week we will consider what is
19 known as another extraordinary session. Frankly,
20 what would be extraordinary is if this legislature
21 would consider responsible legislation that serves
22 the citizens instead of partisan interests.
23 Republican leaders will try to argue that
24 this plan is legal. The fact of the matter is
25 that the plan is blind to the truth. It is
blatantly partisan. It is not right. It is not fair. It disenfranchises thousands of citizens, divides communities of interests and is an insult to the citizens of Wisconsin. It defies Wisconsin's tradition of good government.

Community of interest. Look at this map. I will speak to the community of interest in northern Wisconsin. I dare anyone to tell me that community of interest is being served in northern Wisconsin with a map in which the largest city, Superior, is 165 miles from the smallest community in Ogema. Ogema is 68 miles from Wausau. It is now 165 miles from the largest city in the district.

No one can argue -- no one in their right mind can argue that the 25th senate district is compact. A third grader could have done a better job of drafting the lines. The 25th Senate District has included Sawyer County, a Republican county, generally votes about 58 percent Republican, 42 percent Democrat. They have been part of that district for a half a century, for 50 years.

Hayward in that district in Sawyer County is 60 miles from Superior. It is now a hundred --
about 140 miles from Wausau, and it is in the Wausau district. Lac Courte Oreilles is one of four tribes in the 25th Senate District. It is now taken out of the 25th Senate District, a place that it has been for 50 years, and it is connected to Wausau. Lac Courte Oreilles is approximately 35, 40 miles away from the St. Croix band of Chippewa Indians, approximately 60 miles from the Bad River, 70 from the Bad River band of Chippewa Indians, and about 75 miles from the Red Cliff band of Chippewa reservations. It is in seated territory. Wausau is not.

25th Senate District, we face some unusual challenges, and I think we all recognize that the boundaries have to be adjusted; but when you -- and it's particularly challenging in northern Wisconsin where the boundaries on the east and west are respectively Minnesota, Michigan, and to the north it is Lake Superior. So you're pretty much required to move south.

The 25th Senate District needed to add 7,000 -- approximately 7,200 -- 9,787, excuse me, citizens. The 10th District had to lose 10,000, and Senator Galloway's district had to gain about 5,000 or 5,200. Adjustments had to be made. This
plan moves 27,000 citizens. That's not defensible, it's just not justified, and it's not fair to those citizens.

Now, had I -- I was anticipating what a fair map would look like, and frankly a fair map would have adjusted the 25th senate district by moving more into Burnett County, maybe into Webster. I'd just go north into Webster now, maybe down into Webster, maybe even Siren. That would have been one possibility. I've never even calculated what the partisan makeup is of that shift. I just know that you have to balance in the interest of respecting the public who lives there. You want to adjust the boundaries in their best interest.

So moving further into Burnett County would have made some sense. Moving also into Price County would have made some sense as a an adjustment because I represent Butternut, which is only eight miles from Park Falls and frequently work in Park Falls, so it would have made some sense to move down. But to take Sawyer County out and put them in Senator Galloway's district, the 29th District, is done for one reason. It is to make that district more partisan and strengthen the partisan. As a result, Price County is more
Democratic than Sawyer County, strengthening the partisan constituency in northern Wisconsin.

   It is simply not fair. It is not right. And think about this for a minute, for those of you who -- I know Zipperer's got a fairly compact district. I don't know if you go 30 miles from one end to the other in your district. If there is a meeting in Superior and there's a meeting in Ogema, that's a 320-mile roundtrip. Makes it harder and harder for anyone, whether it's me or anyone, to properly represent a district that is spreading that far, and so there was a better way to do this.

   And, frankly, this is a plan that is so typical of the way this legislature is undoing the makeup of Wisconsin. It's hard to recognize Wisconsin these days. It didn't have to be this way. Could have made it a stronger. It could have strengthened interests without completely rewrite -- creating Republican territories within the State of Wisconsin so that now Wisconsin's going to be defined as blue and red. That's how we look at our map of Wisconsin.

   But people expect more from us, and I frankly, Mr. Chair, have great respect for you. I
don't think you wrote this plan. It was drafted by others. It's now in your committee. I don't expect any changes. The public is going to be forced to accept it, and we're going to have to hope that the Court will realize that it is not impartial. It is not fair. It defies the Wisconsin -- it defiles the Wisconsin we know and care about.

CHAIRMAN ZIPPERER: Any questions for the senator? Representative Danou.

REPRESENTATIVE DANOU: Real briefly, Senator, I guess, and I'll ask you this, if my opinion on this is correct. It essentially creates a map that really places instead of loyalty to the place and the constituents, it replaces loyalty to the party with the way you define your district as opposed to, say, loyalty to northern Wisconsin or loyalty to western Wisconsin. Instead it's loyalty to the party base that elected you. Would that be a correct assessment?

SENATOR JAUCH: It absolutely is correct that citizens are now viewed as partisan voters, and therefore representative democracy is truly -- Hayward and Sawyer County have shared
interests with Ashland and Bayfield County.  
They're in the same vocational district. Sawyer County is now put in the Wausau vocational district. It doesn't make any sense at all.  
They didn't have to be taken out. Should not. They have common interests. They have shared traditions. They have shared economic -- socioeconomic challenges. The socioeconomic issues in Sawyer County are vastly different than those in Marathon County, vastly different, and it simply should not be shifted.

CHAIRMAN ZIPPERER: Senator Erpenbach.

SENATOR ERPENBACH: Thanks. Bob, you touched on it just a little bit. I remember the reason you coming down to the capitol, to work basically for what's good for far northwestern and northern Wisconsin. Is that going to be interrupted in this with the new map the way it is right now?

SENATOR JAUCH: Well, you're referring to Superior Days, which is an event that has occurred for over 25 years in which the community, feeling so isolated from population centers in the political process, began bringing
citizens, 250, 200 citizens up from the north to
talk about regional interests.

Clearly there is no relationship between
southern Price County and Douglas County, Bayfield
County, Ashland County and Iron County. There is
-- frankly, there is very little with -- but there
is plenty with Sawyer County. Sawyer County is an
integral part of the economic development
strategy, regional development strategy, in
northern Wisconsin. And to say that they're now
part of Wausau district, it's done for one reason
only. It is because they vote Republican.

SENATOR ERPENBACH: Last question
here. I do admire the fact that, you know, I saw
you over the weekend. Admittedly, you said your
district got much better if you happen to be a
Democrat, but you're here testifying obviously
against the process and think that things could be
done better.

For those of you who can't see Senator
Jauch's new district, it's an actual upside-down
horseshoe. I've never seen a district shaped like
that before; have you?

SENATOR JAUCH: No, there's nothing
like it. It's not -- and it's not fair and right
to the people who live up there. That's the
bottom line.

SENATOR ERPENBACH: Thank you.

CHAIRMAN ZIPPERER: Representative Bewley.

REPRESENTATIVE BEWLEY: Thank you.

Senator Jauch, you referred to the fact that Lac
Courte Oreilles, where you and I were both at the
inauguration of recent tribal leaders, will now be
in a totally separate senate district. Can you
talk a bit just for those who are -- perhaps are
not that familiar with the subtleties, with the
intricacies of tribal government's leased land?

Why is it so important that they -- that they
stay clustered, the Chippewa tribes, and not be --
why can't they be represented by someone who also
represents Wausau?

SENATOR JAUCH: It's not that they
can't be. They don't have to be. That's the
point. Anyone who takes a partisan hat off and
redraws the lines to try to shuffle the population
shifts would not have come up with that
conclusion. Nobody in their right mind. As I
said, a third grader could have come up with a
better map than that, and you would not take --
you wouldn't shift -- if you have to add 7,000, you find ways to add them.

You don't shift 27,000 people to get -- the 9,000 -- to get to 9,000. You just didn't have to do it. It was done to have an outcome in the elections; and for the tribe, frankly, it is going to isolate the Lac Courte Oreilles tribe. They have -- they're part of the Great Lakes Fish and Wildlife Commission, which is located in Bad River. That has the responsibility of assuring that the Voigt decision is properly followed and is involved in the conservation policies in the State of Wisconsin -- in the seated territory.

REPRESENTATIVE BEWLEY: Could you explain seated territory?

SENATOR JAUCH: Well, seated territory was part of the Treaty of 1847 -- 1952, I think it was, in which land and rights were exchanged. The rights were exchanged for the tribe -- for the land that was -- they gained rights for -- permanent rights for hunting, fishing, gathering of wild rice in that northern seated territory in exchange for the land back then, and, of course, it resulted in a very controversial decision, the Voigt decision.
There's a culture that you have to respect. Previous speaker was talking about the importance of an Hispanic district. I don't live near Milwaukee. I can't comment about the specifics of what's happening down in Milwaukee, but take his arguments and apply them to the tribal members in Lac Courte Oreilles, because they'll make the same case. And they're right. There is no reason to take them out of the 25th District, none.

CHAIRMAN ZIPPERER: Thank you, Senator. Oh, I'm sorry, Representative August.

REPRESENTATIVE AUGUST: Thank you, Mr. Chair. Thank you, Senator, for being here today. I just had a quick question for you. I was doing a little bit of math in my head. You said you've been in the legislature for 29 years.

SENATOR JAUCH: Yes.

REPRESENTATIVE AUGUST: So does that mean you were in the legislature when the 1983 maps were passed in four days?

SENATOR JAUCH: Actually, to say that it passed in four days, it's a bit of a misnomer because it actually was introduced in the budget, so the maps were around. Now, I don't like reapportionment. I don't like it when
Democrats are in control because it brings out the most selfish side of people and -- really strange, and it happens in a Democratic caucus as well as a Republican caucus, where people who may have a 65, 70 percent district will say, "I need another corner to make it a little bit better."

It happens in Republican districts too, and this one very clearly is extraordinarily partisan in the way it makes so many homes sale ships. So, yeah, I was here. But it was introduced in the budget, and then it was taken out and passed as a separate bill. So there was a lot longer discussion about reapportionment than the four days in which the bill was introduced and adopted.

REPRESENTATIVE AUGUST: Thank you.

CHAIRMAN ZIPPERER: Thank you.

Senator Risser.

SENATOR RISSER: Before we spend too much time talking about the 1970 reapportionment, I was here then, and I remember it. And actually the way I remember it, the Court came forth with a plan, and the legislature adjusted that plan. They didn't repeal the plan or redo the whole thing.

There was a court-ordered plan, and then two
years later the legislature made some adjustments in the plan. It wasn't a whole reapportionment as such. It was an adjustment, and it was reviewed, as has been mentioned, before the bill was introduced and passed.

SENATOR JAUCH: If I can add one more comment about the competitiveness of districts, I believe this is my fourth time to be in the minority in 15 years. There have been a lot of swings from Republicans and Democrats in districts that were written in the last -- in the last reapportionment plan. That's the way this one should have been written too. The public deserve a right to have districts where their voice will assure real accountability for public officials, and this plan is not doing that.


MR. SPINDELL: Good afternoon. My name is Bob Spindell. I live in Milwaukee and have lived there for close to 30 years. I am a commissioner of the City of Milwaukee Board of Election Commissioners and have been in that for
around ten years with a four-year break after my first-year term.

Today my comments will regard the City of Milwaukee because the City of Milwaukee is what I'm interested in. I'm also vice chair and have been for over 25 years of Career Youth Development, a large social service organization, African-American, in the inner City of Milwaukee. I'm also involved in some Hispanic activities both locally and on a national level.

I wish to make it very clear that I am speaking for myself only, and I'm not speaking for the City of Milwaukee Board of Election Commissioners or for Career Youth Development. I've reviewed the districting -- redistricting maps; and while I'm saddened that the population of the City of Milwaukee has declined, I'm happy to see that the new redistricting plans contain and continue the definite five black districts currently occupied with five very strong incumbents.

The map also calls for one primarily black district with a little over 50 percent black in that particular district, which I believe a good black candidate could win the primary with the
proper support. On the south side I'm also very happy to see that there are two definite Hispanic districts. One of the districts will also be an open seat, as the extra black district will be.

Also, from what I understand, and I don't know where I've heard it or read it in the newspaper, but it appears that maybe in four years there could be an Hispanic senatorial district in that particular area the way that it's arranged now. These two opportunities, an open black seat, an open Hispanic seat, provide great opportunities for these two groups to have the proper representation in the city and the proper leadership in the legislature.

While a good incumbent is always hard to beat, especially in a primary, the open seats allow a new opportunity for both communities. It appears that this opportunity came about as the minority legislative districts lost population and had to be added, which pushed the legislatures and the surrounding districts in Milwaukee out into the north and into the west.

The legislative districts for the most part also seem to be along the lines of community interest. For example, the north shore suburbs,
Wauwatosa, West Allis, I find that often the legislators in these districts that have just a small portion, one or two wards in the City of Milwaukee, really do not have much interest and really do not pay much attention to the City of Milwaukee since the voters there are usually not voting for them, and their main supporters are the north and west suburbs.

I saw this with the voting yesterday. As you know, we had a recall election there yesterday. The wards in the middle of the north shore have high turnouts, maybe 30 percent in the City of Milwaukee, but up as you go further south -- or further west, it was only, like, 15 percent, maybe a little bit more. So there's something to be said about having the suburbs of Milwaukee County, especially the north shore, combining with similar cities in other counties in terms of housing, income, rather than trying to share it with the city.

The interests between the suburbs and the city are different, and the people that live in the city deserve to be represented by people that are primarily concerned with the city. I think also everybody in the suburbs, surrounding
suburbs, know that for this area to grow and to be successful, it's going to be based on how well the City of Milwaukee does and what happens with the City of Milwaukee.

Also, as I said, I'm an election commissioner, and for the last 12, 14 years I've done nothing but go from precinct to precinct, ward to ward in the City of Milwaukee during each election. It's a mess when there's two different ballots there depending on the address when you have two legislators running in the same district. We, the Election Commission, have tried to take steps by having different colored ballots and so forth, but it's still an unnecessary problem to have two people running in the same district. And you have to figure out which address for the voter is which.

Therefore, I believe that providing the legislative senate districts first allows the City of Milwaukee Election Commission, which will be the ones to draw these wards, to better be able to work better and have the wards and precincts arranged as I said.

So in summary, I'm in favor of the proposed map because it provides for one more
African-American district in the city. It also adds one more Hispanic district in the city. It also in four years could very possibly result in a Hispanic senatorial district. I believe this is important for the best interests of the City of Milwaukee, and I want to thank you for having me here today and listening to my comments.

CHAIRMAN ZIPPERER: Thank you for your comments. Representative Danou and then Representative Zamarripa.

REPRESENTATIVE DANOU: Just a couple here. I'm just curious where you're coming from. You currently or were a member of the Republican Party of Wisconsin Executive Committee?

MR. SPINDELL: Yes, I'm currently, among other things, chairman of the Republican Party of Wisconsin 4th Congressional District. I'm also on the State Executive Committee. I am also an officer of the Hispanic -- the Republican Hispanic National Committee, and also I'm a national assistant treasurer for national officer for the Public and National Hispanic Assembly even though I'm not Hispanic and I don't speak Spanish.

REPRESENTATIVE DANOU: You talk about communities of interest. I look at District
10, for instance, and you talk about trying to keep similarly -- communities similar together. You've got a community that stretches from Shorewood into some different kind of areas there at District 10. And I'm wondering how you, you know, based on some of your earlier comments, kind of explain that one.

MR. SPINDELL: Well, I think, as you know, as I understand, the minority districts had to expand in terms of population, and there's so far that you can go. Also, I think you could look at Shorewood as intertwined with the University of Wisconsin-Milwaukee. It's right next to it. As I understand, a lot of professors and students live there, so I think there's a lot of related interests between University of Wisconsin-Milwaukee and Shorewood. But I think, you know, you've got to go somewhere, and the lake is about as far as you can go.

REPRESENTATIVE DANOU: And just one further follow-up as far as -- is Milwaukee at this point done with their district lines or how is --

MR. SPINDELL: I'm sorry, say that again.
REPRESENTATIVE DANOU: Is Milwaukee going to be -- how are these districts being imposed from the State have an impact on the district lines in Milwaukee area right now? So are we essentially dropping these districts on top of the districts you've already drawn or are you finished drawing your lines right now or --

MR. SPINDELL: Well, I don't know. I have not been involved in the redistricting process. I looked at the maps and had an opportunity to see what they look like. And I do have an interest in making sure that the blacks and the Hispanics are properly represented because I think that's very, very important that the voters in those areas have the opportunity to vote for Hispanic or an African-American if they desire to do so.

REPRESENTATIVE DANOU: Thank you.

CHAIRMAN ZIPPERER: Representative Zamarripa.

REPRESENTATIVE ZAMARRIPA: Thank you, Mr. Chair. Thank you for coming out to testify today. I appreciate your commitment. Sounds like you have a big commitment to communities of color; is that right?
MR. SPINDELL: Thank you.

REPRESENTATIVE ZAMARRIPA: But I do want to point out to you, again, I wish there would have been an effort to put an emphasis on communities and not partisanship, and I feel strongly that I didn't have the input. And perhaps that's because I'm a Democrat. I'm not sure. But I feel strongly that -- and you are remiss to say that this creates two extra Latino assembly districts. It sounds like that's what you said, and that's not true.

The 8th and the 9th, the 8th is my district. It is a Latino super majority district. The 9th was trending that way. It has already been a Latino-influenced district, and this does give us a larger percentage. But the truth is that you know that Latinos have grown by leaps and bounds here. And we were trending that way anyway. It's almost inevitable. We just grew it. It's not that you created another one. There's not three now.

There continues to be two, and I'm glad to hear that they're moving from a majority to a super majority in the 8th and 9th. But we could have had a senate district. We could have had a
Latino senate district with over 50 percent. That's not the case here, so I do have some concerns because you're here testifying and letting me know that you're a member of the Republican Hispanic National Committee.

I am the only Latino in the Wisconsin State Legislature. I'm the first Latino in the history of our great state to have been elected to the state legislature. I'm very proud of that, but I just -- not sure why you think that this creates an additional Latino district. It doesn't. In fact, we're very remiss because we need to have a Latino-influenced senate district at the very least, and this doesn't create that.

MR. SPINDELL: Well, I'm sorry we haven't had a chance to meet yet. I did know Representative Pedro Colon very well, and we have talked, you know, about various items. And I've known him for some time. I think I agree with you. It's important to have Hispanic districts and have as many as we possibly can. I was not involved in putting this map together. I believe the El Conquistador, Victor, who's the editor of that, I mean, that's been in the news for a long, long time, which is a better way for the districts
to go; should it be 60/54; should it be 67, this
or that or so forth, and I think this is a major
discussion in the Hispanic press for some time.

I'm not -- I have not been innerly involved
in terms of what the streets are and this and
that, so I'm just going basically from
theoretically the population's been determined for
18-plus voters, and I think also if you look at
the three districts with a population in the
Hispanic population has gone right through the
roof and deserves as much representation as they
can get.

There's a good likelihood that a senate
district will be forthcoming in four years, six
years. I think that's what the common knowledge
is now.

REPRESENTATIVE ZAMARRIPA: Again,
this map, redistricting, doesn't encourage that
growth. So hopefully that will happen, but,
again, it could have happened sooner. It could
have happened with this redistricting. We could
have had a Latino senate district, and we're
remiss to have not devoted time and energy on
that. And I would like to have been truly a part
of a true bipartisan effort. There wasn't one.
Again, I feel strongly that we're putting
partisanship over communities here.

MR. SPINDELL: Well, I was --
again, on the Hispanic aspects of it, it's just
what I've been told and read. I've understood
that there's been Hispanic groups and not
Republicans but a whole bunch getting together for
the last several months. Everybody knows that
this legislature, it was elected in 2010, will be
redrawing the maps. And maybe I'm wrong, but I
thought there was, from what I was told, quite an
effort going on between the various organizations,
Hispanic organizations, in terms of what it should
be. Should there be a heavily Hispanic district
with 70-some-odd percent in a lower Hispanic
district or should it be 55/55 or whatever, and I
guess there's, you know, different opinions on
what's the best way of doing that. So that's
about as much as I know about it.

REPRESENTATIVE ZAMARRIPA:
Mr. Chair, I just want to follow up. And you're
right, Hispanic groups, Latino groups, have been
converging and discussing redistricting but not at
the state level. Again, maps just came out.
Myself, my democratic colleagues and the general
public were able to view these maps at the end of the day on Friday. That's when I found out. That's when they were released publicly, this past Friday. So, no, Latino groups haven't been converging and meeting around state level redistricting because it wasn't available until Friday.

They've been meeting and discussing redistricting at the local level. They did a lot or work, the redistricting, yes, has met, and they were trying, bipartisan effort. But make no mistake, sir, I know that you probably are aware, the general public and myself and my democratic colleagues did not have access to the maps until Friday, so it hasn't been months or weeks that the Latino groups have been discussing redistricting.

It's redistricting but at the local level, at the county level, school district level. The state redistricting just came out on Friday, so please let's not mislead the public. The Latino community hasn't had ample time to really take a look at these maps. As you can see, my colleague, Mr. Perez, didn't even know that we could have had a Latino-influenced senate district to over 50 percent. He wasn't even aware, and I think, I
believe strongly, it's because the public has not been given ample time to offer their input and really digest all of the information in front of us.

MR. SPINDELL: Well, I think you're right in terms of the official maps not being out until Friday or Monday, or whenever they were. However, I read in the newspaper that they've been talking about legislative districts for some time and what percentage would best benefit the Hispanic community, whether it should be 60/54 or those other things. So I don't think this has been a new subject that has never been brought up in the Hispanic community before Monday.

As I understand, and maybe I'm wrong, you certainly know that area better than I do, but I read it in the Hispanic newspapers and talked to Victor about it. And there's been various groups that have been meeting, talking, I assume, about the supervisory districts too, maybe the aldermanic but also the legislative not knowing officially what they would end up being.

So if I'm wrong in that, I apologize, but I think it's been out there, not the official ones, but people have been talking about this for some
time.

REPRESENTATIVE ZAMARRIPA: I'm sorry, Mr. Chair, I've got to respond. Yes, you are wrong, sir, just to let you know. He's referring to -- I hear you're dropping Victor Hyke's (phonetic) name and you're dropping El Conquistador. Yes, that's a community paper in the Latino community but --

MR. SPINDELL: No, I'm just talking about the El Conquistador.

REPRESENTATIVE ZAMARRIPA: El Conquistador, yes, that's what I said. They're discussing redistricting and legislative redistricting, but the maps didn't come out until Friday.

MR. SPINDELL: Oh, I agree.

REPRESENTATIVE ZAMARRIPA: That's not what we are talking about right now. We're talking about maps that were released to the public and to myself Friday afternoon, and we're going to make these decisions on a dime without getting that public input. That's what I'm speaking to. I just wanted to correct you.

MR. SPINDELL: You're absolutely right. The official maps obviously were not
released; however, the community has been talking about what the percentages should be for two Hispanic districts for some time. Now, if I'm wrong in that, I don't think I'm wrong, I've been reading it in the paper for some time, this is an issue that everybody knew during the election, that the -- that the legislature would be doing the redistricting.

And if I'm wrong in that, I agree that the official maps were not out there, but people have been talking about this for -- maybe I'm in the wrong groups or something -- but people have been talking about should it be a 60/54, should it be 60-some-odd or whatever. And I think if we go back and look at the newspapers, I think that would be in there, but you're absolutely right. These official maps were not out there.

CHAIRMAN ZIPPERER: Thank you. I guess the committee, as chair, I would be very interested -- Representative, if you have a map of a district that gets to a 50 percent Hispanic senate seat, I'd be very interested in seeing that. It sounds like you may be aware of one or something. If you could present that or share that with the committee, I'd be happy to make sure
it got out to them.

            REPRESENTATIVE ZAMARRIPA: Thank you. Mr. Chair, thank you for that offer. I haven't had a time to have a map drawn because I was just involved in the process on Friday, just like the general public. But if you're offering me time so that the community can have input, so that I can have input, and offer up a map that has a Latino-influenced district of at least 50 percent or more, I would love to take you up on that offer.

            CHAIRMAN ZIPPERER: I just assumed since you had said there was an opportunity for a 50 percent district that you had run the numbers, and you had found it. I believe the census data has been out for some time, so I think anybody could have put together a map.

            But I do appreciate it, and I guess that's the point of this committee hearing is to discuss what options are available; and as the committee moves forward, to consider options that are available to the committee. I believe Senator Risser was first.

            MR. SPINDELL: Also, I'd be very honored to meet with you or have lunch with you
some day if that's okay, because you said you'd  
like to meet with me, and I'd be very happy to do  
that.

    CHAIRMAN ZIPPERER: Senator Risser.
    SENATOR RISSED: Thank you. Just a
    factual question. Has the City of Milwaukee
    already drafted their new border lines? And if
    so, are they going to have to be changed as a
    result of this map?

    MR. SPINDELL: Well, I don't know
    that for sure. I'll just tell you some of the
    little things that I've heard. I think the
    Election Commission has been working on doing some
    of that because they're the ones that -- we're the
    ones that will be doing that to make sure -- but
    it's -- as far as I understand, at least from the
    Election Commission standpoint, that has not been
    completed, and I just don't know how much work has
    been put into it so far from staff or how much
    more would have to be done.

    CHAIRMAN ZIPPERER: Representative
    Bewley.

    REPRESENTATIVE BEWLEY: I have a
    question for the chair.

    CHAIRMAN ZIPPERER: Sure.
REPRESENTATIVE BEWLEY: Okay. You had just said -- and I hope I -- anyone could have suggested a map. Is that what you said?

CHAIRMAN ZIPPERER: Well, I believe the census data has been available for some time, and I know kind of armchair redistricters have been putting maps on the Internet for some time.

REPRESENTATIVE BEWLEY: Well, I'm a new legislator, as you know, so I beg your indulgence. If Representative Zamarripa had had a map, would she have been able to give it to you and then engage in a discussion including it?

CHAIRMAN ZIPPERER: I think any committee member that comes forward with a map or proposed changes absolutely can be considered by the committee. I've already received correspondence, I believe, from --

REPRESENTATIVE BEWLEY: No, I mean before.

CHAIRMAN ZIPPERER: -- senators potentially having amendments as we move forward.

REPRESENTATIVE BEWLEY: No, I mean before, before Friday, during the process, because here it is -- I mean, we got the maps on Friday, so now we've got to hurry up, quick, get a map. I
mean, could we have been involved earlier?

CHAIRMAN ZIPPERER: I believe so.

This committee didn't receive the bill until
Friday, so this committee was not tasked with this
issue until the bill was referred to us, so I
think anybody could have taken the initiative to
draft maps of their own. Go in order here. I
believe Representative --

REPRESENTATIVE DANOU: Yeah, I just
have a brief inquiry of the chair then. Would the
chair of both respective committees be willing to
-- I mean, which is what the legislative process
is, is sit down and hammer out a map that maybe we
can all live with here? I'm more than happy to --
I've got a pretty clear summer schedule coming up.
I think a number of us would be more than happy to
try and sit down and make some adjustments.

The senator made some -- had some legitimate
concerns about what's happening. It sounds like
-- and I think it's great -- that we may be
willing to sit down and put a little bit of a
slowdown on this thing and hammer out a more
bipartisan map here. Is that a possibility?

CHAIRMAN ZIPPERER: I'm sorry, I
missed the beginning of your question. What's
your question?

REPRESENTATIVE DANOU: Well, basically you said -- you've indicated a willingness to look at a map potentially put together by Representative Zamarripa. We've got a -- we could have a joint committee.

Could we sit down and make necessary changes or, I mean, the beauty of what goes on with this process is, you know, it's computerized now. We can run numerous iterations and maybe come up with a map that we could maybe get actually for the first time in this legislative body, this session, get some bipartisan consensus on. Are you suggesting that's a possibility here.

CHAIRMAN ZIPPERER: The committee will use its process as we go through. There is a public hearing today. There will be an executive session. You know, at the end I'm assuming that the executive session could be perhaps Friday, and at the executive session, members of both parties will be able to offer their amendments, will be considered and debated, as we do with every other piece of legislation considered in this building.

So this legislation is receiving its public hearing today and will have an executive session,
and that is what the committee is tasked with.

REPRESENTATIVE DANOU: Thank you.

CHAIRMAN ZIPPERER: Representative Zamarripa.

REPRESENTATIVE ZAMARRIPA: Thank you, Mr. Chair. I have a question for the gentleman, and, no, we're not going to agree on our sentiments over our Latino community. But I thought we could talk a little bit about our city because you're also, like me, from the City of Milwaukee.

You know that our city has been working on redistricting efforts --

MR. SPINDELL: I'm sorry?

REPRESENTATIVE ZAMARRIPA: Our city has been working on redistricting efforts for the last few weeks, and there's been public hearings you spoke to, you are aware of.

MR. SPINDELL: For supervisory you mean and aldermanic?

REPRESENTATIVE ZAMARRIPA: County redistricting has been happening as well, but in the City of Milwaukee locally, redistricting has been occurring at the local level for the past few weeks.
MR. SPINDELL: Well, I haven't attended any of those, but I assume there would be. I mean, it's a major issue.

REPRESENTATIVE ZAMARRIPA: Oh, yeah, they have invested a lot of time and energy to holding public hearings, listening sessions. They've already voted on several maps, and I have a letter here from my mayor, Mayor Barrett, our mayor, as well as Alderman Ashanti Hamilton, who also, because of the short notice of this public hearing, again, speaking to that lack of public input and lack of transparency around this redistricting issue, were unable to change their previous commitments to come and testify, but they did send testimony.

I have copies if -- if we didn't e-mail the rest of the committee here, but they do indicate that we spent and dedicated hours, and administrative expenses total over $40,000 on all of the work that they've done up to this point at the local level in our City of Milwaukee.

MR. SPINDELL: You mean doing local --

REPRESENTATIVE ZAMARRIPA: Redistricting.
MR. SPINDELL: -- redistricting?

REPRESENTATIVE ZAMARRIPA: That's right. So passage of Senate Bill SB 150, which basically -- which basically let's majority legislature slice into wards that are already existing, is going to cost at least $10,000 or more to now change and essentially start from scratch.

So 53 total wards were cut into, if I'm not mistaken, including 17 in my 8th Assembly District. They're going to have to be reconfigured based on all these changes at a time when we're broke, and we're supposed to be giving local governments the tools that they need to budget. We're going to take them back to ground zero after they've done all this work and really have made the due diligence to ensure that the public had input.

I was at and testified at one of those hearings, and I was lucky enough to offer my input as a state representative for our district in my City of Milwaukee. Do you find that -- don't you -- aren't you -- don't you think we're remiss as a fellow Milwaukeean?

MR. SPINDELL: Well, what I was
talking about -- maybe we're talking about the
same things in terms of drawing up the wards so
they don't cross into two legislative areas. Now,
in terms of the aldermanic redistricting and
supervisor and whatever, I really haven't -- I'm
not up to date on that. All I know is that
they're trying to reduce the size of the Board of
Supervisors by one.

But, you know, certainly, and I want to
emphasize, again, I am not speaking for City of
Milwaukee or the Election Commission. I'm
speaking solely for myself on this, and it's --
the City of Milwaukee has done all sorts of budget
cuts. For example, all the Election Commission
used to get was about 2,000 a year for the work we
do. Now that's been reduced to $20 a session. So
for a 16- or 17-hour day I spend going around to
wards, I get $20. So that's about a dollar 17 an
hour; and then if they take the FICA and Medicare
out of there, about 75 cents an hour.

So, I mean, everybody is taking cuts along
this line. There has been work that's been done
by the City of Milwaukee Election Commission. I'm
just talking about that because I don't know
anything other. I don't think it's that difficult
to -- once the legislative districts are drawn up, to draw some -- draw some wards that don't have two legislators in the same district. And I -- there are now -- even in the current system we have now there's several districts, several voting wards throughout the city, that have two -- during election day there are two legislators. The two districts are within that same ward, and that's a mess. That's all I'm saying.

So I don't know all the in's and out's of the City of Milwaukee and what everybody else has been doing regarding the reapportionment and redistricting.

CHAIRMAN ZIPPERER: Thank you. Oh, Representative --

REPRESENTATIVE ZAMARRIPA: I'll just follow up. I understand that you're -- you're not familiar with the specifics, and that's why I wanted to make sure that you were aware. This hurts our City of Milwaukee.

MR. SPINDELL: Well, you know, again, I am talking for myself. From my standpoint, when we pick up an extra African-American district, when we pick up extra Hispanic district, we've got a good shot for a
Hispanic senate district in a few years. From my standpoint in the City of Milwaukee, I like that versus keeping it the same or going backwards, so that's all I'm saying.

CHAIRMAN ZIPPERER: Thank you. Up next, Senator Coggs; and on deck one, Juan Carlos Ruiz. Welcome, Senator.

SENATOR COGGS: Thank you, Mr. Chair, and members. Like Senator Jauch, I've been in office 29 years, and we've all had this map just a week. So the question becomes what does this map really do. Well, it splits communities of interest. Municipalities like Racine, Janesville, Beloit and Marshfield now is divided for partisan purposes. That's gerrymandering.

   It disenfranchises my city, Milwaukee, and the county and the voters of the county by pairing democratic county representatives like Statskunas, Cullen and Kessler with Waukesha County Republicans in strong GOP majority districts, and it shifts power from the largest population center in the state, Milwaukee County, to Republican-controlled suburbs. What happened to local control?
Let me remind the committee and the public that this appears to be the one-and-only public hearing for the most important political event of the next ten years. All indications point to this being nothing but a Republican-protectionist map. As we discussed concepts like community of interest and the Voting Rights Act and those kind of things, this map can't be called constitutional.

I'm speaking from experience. I'm a product of redistricting. In 1982 I represented Bob Williams and went to court to carve out a new African-American district. Before I got elected no African-American had represented that particular area, and Professor Esenberg was constitutionally incorrect when he told you that you did not have to draw the boundaries of two senate districts and increase more African-American representation.

In 1992, I went to court with several others to make sure that we have for the first time two African-Americans senate districts, and a Court said vis-a-vis Voting Rights Act, "Where you can draw a new district, you shall draw a new district." Basically did the same thing in 2002,
went to court to make sure we have proper African-American representation, and recently Milwaukee Journal Sentinel has written about the effects of this Republican map on southeastern Wisconsin.

If you take Senate District 8, the incumbent is Alberta Darling. In 2008, out of a thousand votes, she won by -- I'm sorry, out of 100,000 votes, she won by about a thousand votes. Under this map that new district is solidly Republican. So if Representative Sandy Pasch beats Alberta Darling in the upcoming recall election, it would be extremely difficult for democratic Senator Pasch to keep that district democratic. So this is not a competitive map. It's kind of a "Heads I win. Tails you lose." It doesn't pass a fairness test.

Now, what happens in this map in Racine and Kenosha is particularly interesting. Currently the 21st Senate District in Racine and the 22nd Senate District in Kenosha are very competitive. In fact, the 21st District the last 20 years has been going back and forth between Democrats and Republicans. The Republican plan currently takes the two districts and bisects them east and west
to make a so-called rural district for Republicans
and a so-called safe urban district for Democrats,
and then it tries to invoke the Voting Rights Act
for minority in the 22nd; but with the minority
voting-age population in that district of only 24
percent, minority involvement is only a hollow
promise.

I would take the urban district more
seriously if Republicans hadn't drawn the
democratic senator out of that democratic
district. Now, in my particular senate district,
the 6th Senate District, it looks like the 17th
Assembly District, which is encompassed in a -- is
a packed district. A packed district is basically
where you have people of color, and you cram more
into it or pack more of those folks into it so
they don't influence another district.

That district is an 81-percent-minority-
voting-age population district even though that
particular district could be drawn more north and
west of where it is. Currently, as you know,
there are several citizens who are petitioning to
go to federal court to have the Court draw the
map. I have also been encouraged and also for the
first time in my legislative career seen, and I am
now endorsing, having a commission do the map 
rather than the legislature because this map is 
edemic of where we can take advantage, we do take 
advantage.

   This time it's the Republicans, and every 
time I've been in office I haven't seen a power 
grab this big. So with the federal court 
challenge looming, this results in a map not 
making constitutional muster. Let me just make 
one last point. I have repeatedly called this map 
a Republican protectionist map, but soon the 
federal court may just call it null and void. 
with that, I'll take any questions you may have.

   CHAIRMAN ZIPPERER: Any questions 
for the senator? Yeah, Representative.

   REPRESENTATIVE DANOU: Senator, do 
you think if we were honest as legislators and sat 
down and did our jobs as legislators where we 
brought both sides in, we got a starting point, 
let's just say we can start with this map, do you 
think we can hammer something out? Give us a few 
months before the end of the year. Do you think 
we could hammer something out that maybe both of 
us would find acceptable, Democrats and 
Republicans, senators and assemblymen?
SENATOR COGGS: Yeah, I can feel our Republican colleagues wincing at that notion, but let me at least mention to everyone here that Congressman Obey was exactly right. If we sit down and talk this out, we can see logically where our bias comes in and where logic should come in, and that's what he did with Republican congressional representatives.

They sat down, and they actually talked before they presented a map. This is backward. This is presenting a map, having people react to it and then say, you know, and to Representative Zamarripa, you can have some input midway or most times on the tail end.

Mr. Chair, I hope that you and the other co-chair take her to heart because her notion of having for the first time City of Milwaukee a Latino minority-influenced district as a senate district is constitutional, and it is the right thing to do. So the answer to your question, I think we can sit down. Would it be perfect? Would everybody like the map? The answer is no, but at least we will have had a fair shot at trying to do it together because if we don't, I'm -- I just think in the future, in the very near
future, a commission is going to be the only way
that we're going to have a fair map.

    CHAIRMAN ZIPPERER: Any further
questions? Thank you. Up next, Juan Carlos Ruiz
representing the Latino Redistricting Committee
speaking against; and up next, Peter Earl.
Welcome, Mr. Ruiz.

    MR. RUIZ: Thank you, Mr. Chairman,
and thank you so very much for allowing me to
speak to your committee, Mr. Co-Chairman. My name
is Juan Carlos Ruiz, and I'm the spokesperson for
the Latino Redistricting Committee in Wisconsin.

    This committee is integrated into 15
different organizations, no names, not
organizations and institutions, of more than 20
years working in this great state. And I am
Latino, representing Latinos. I took time from my
family today to come here on a volunteer basis
because I am outraged of this process. This
process is disgusting to me.

    When I came to this country, I came because I
always understood that this country was a place of
fairness. Do you have a dream? You can come; you
work hard; you're honest and you work hard, you
can reach your highest. This process is an
embarrassment to us, and I will tell you why. A week ago I got a call from a lawyer from Michael, Best & Friedrich inviting me to a meeting with them to talk about the redistricting maps.

So I gathered us a map already, and I could come and take a look at that and meet with my committee members, and we agree that we want to be part of the process. We agreed to come to the meeting, and the meeting was postponed. And eventually the meeting was set up for Friday, and that Friday was when the meeting was going to -- that's the day, the same day, the map was released.

Previous to that I asked the lawyer from Michael, Best & Friedrich, I asked them, "So we go to the meeting to talk with you. Do we have a chance to make some influence, especially in the senate level, because we've been looking at some things, and looked like we had some options to have a Latino state senate, Latino influence in the senate." What I got, the response was, "No, those deals has been cut already. The senate place has been very difficult to deal with. They are done. The deal is done. You might have some options to make some moves here and there in
regards to the assembly districts."

And I got the maps even. I got the, what is it called, the adopted, the proposed map. So what is the influence that we are going to have here? Furthermore, I got a call yesterday from a national organization, a Latino-Hispanic national organization, that was misled by some members of the Latino community. They're sitting in this room. They have spoke before me. They have been misled by them, and they have -- they were coming to testify today in favor of this map until we took a serious look at the process, a look at the impact that this map has on how it's limiting the Latino community itself, so they are not here today to testify.

This is a national organization that works on Latino civil rights issues. Let me share with you that that is not democracy. Why is this happening to us? We have -- in the City of Milwaukee we have fought -- and I think that is what you were referring -- we have fought the right to have a fair representation. Our community leads the force. That community was integrated and is integrated by -- (speaking Spanish) -- Voces de la Frontera, the Wisconsin Hispanic Chamber of
Commerce, the Hispanic Entrepreneurial Association, MATC Student Latino Association, Hispanic for Leadership -- (speaking Spanish) -- and more.

We have 15 organizations representing us, and we work in the city to increase the Latino representation, a fair Latino representation. And we have two super minority districts, but we are part of the process. And we understand the words, and we educate our community about that, how the whole redistricting process works. We did that. We were ready to do the same thing at the state level. Now what we have, we have a different process.

You're not going to work with the wards. You went to war with the plans, and now we need to understand the whole process. We need to translate that to our Latino families in our communities to see how they are going to be affected. One week is not enough. We have the right to translate this information to our citizens that do not speak the language. They are learning the language. We have to be able to translate the inference, the impact, the legal process of this.
We need at least three weeks to make this happen, and, Mr. Chair, you're saying that this is the process. Next week this is going to be approved. So basically you are telling us we have this hearing for nothing because you have made up your mind. The maps have been set up already. The senate has been agreed already, and this is so -- a circus.

Where we come to share with you our concerns, we ask to -- beg to you to give us more time so we can address these issues with our Latino community so we can come up and show you a map, present you a map. At least give us the opportunity to present you a map. One week is not enough time. This is a new system that your lawyers, the lawyers that you guys have hired.

In our City of Milwaukee it's going to cost us more than $150,000 to come back and be in shape and go through the whole process, never mind the amount of money they are losing by being part of this process of going to hearings and going to meetings throughout the day because those meetings don't happen in the night.

So here is one time we are asking you respectfully. We are respectfully asking you to
please delay this process at least three weeks so we can analyze the maps very strongly, and we can use the system that you are imposing on us and the whole city and the whole state so we can present you a map that is an alternative.

The second request that we have is to please, please get some of these meetings in our communities. The communities are going to be impacted to this. Come to Milwaukee. Have a meeting. Have one of these hearings in Milwaukee because we are going to be impacted tremendously.

Number three, make this process more transparent and clear. This process is not clear. It's not transparent. Whether I speak English or Spanish or not, this process is not transparent and is not acceptable. So this is the demands -- not demands, the requests, I apologize, of our community, and really I thank you for your time. Any questions, I'm ready here to take them.

CHAIRMAN ZIPPERER: Thanks for your input. Any questions? Representative Bewley.

REPRESENTATIVE BEWLEY: I want to thank you for your testimony, Mr. Ruiz. I appreciate it very much. You talked quite a bit about how the people had not had a chance to
comment upon the maps. Of course, we saw them as
well on Friday afternoon. My constituents, of
course, would wake up on a Monday morning and
maybe if they're lucky find out about them. And
now here it is Wednesday, and there's no way they
can travel 300 miles to testify.

So I completely agree with the hardships of
the folks that you represent in getting here, and
I understand your request for more time. Could
you comment a little bit about the work that you
know that has gone on in your communities to draw
the existing -- the districts, and do you know --
what have you heard about their -- now that
they're being requested to do them over?

MR. RUIZ: I'm sorry, I am not
clear with that question.

REPRESENTATIVE BEWLEY: Your
community has already participated. Perhaps
someone could correct me if that is not correct.
Has Milwaukee finished their maps? They are
finished?

MR. RUIZ: Yes.

REPRESENTATIVE BEWLEY: So they
have to do them over.

MR. RUIZ: Exactly. So we have --
we have been part of the process from the get-go
when the census numbers were back, and let me step
back. The Latino community is very concerned
about the amount of voting power that we have.
It's very evident that we have grown 41 percent in
the state. We have 104,000 Latinos eligible to
vote in the state, and the voting turnout is very
low.

The numbers of Latinos, we have come together
to work and to strengthen in the Latino power. We
want them to go out and vote. That is our
community. Part of that plan is to participate in
the redistricting process. So when we were asking
our friends, the Republican friends, "Where is
this in the process? We don't know anything about
it. We don't know anything about it," so we find
out more about the Milwaukee redistricting process
where we have some strong relations because that's
where we live.

So we went through the process. We met with
the chairman of the committee. We met with the
chairman of the council, the president of the
council. We urge them to testify. We educate our
communities. We help our communities in meetings.
We form the coalition, not just names of people
that are misled to put their name into the newspaper so they can support the redistricting efforts. Everybody supports the redistricting within the Latino community, the Latino representation, but they were not clear about the minutiae that was reflected in here.

So we participated in this very careful process, meetings and hours and hours and hours trying to clarify with that. We testified. We came up with one map. We came up with a second map. We went and testified. We brought experts. We brought to meet with us the past chairman of the -- of the Department of Civil Rights -- no, Department of Voting Rights of the Department of Justice. He came and spoke with us.

We hired a professional from management to teach us about the whole redistricting maps so we can get familiar with the system. We are not familiar with this. We are getting familiar with this stuff. So now we get familiar. We participate in the city. We got the map, and we got a map that pleased the minority of the city. We put work into that map. Now we find out that all that work goes into the garbage.

That is not acceptable. And by the way, the
folks whose names that has been mentioned in here, Rodriguez and those, they were part of this process, and they never mentioned there was something going on at the state level that they have some information from months ago. So this was a hush, hush, hush event that looks to me -- I am not Republican. I am not Democrat. This is not the point to do.

The bottom line is this is something partisan, not doing it to benefit the party and is not doing it to benefit the democratic process in our great state. I don't believe I answered your question. I apologize.

REPRESENTATIVE BEWLEY: Yes, you did. Thank you very much.

CHAIRMAN ZIPPERER: Any questions? Representative.

REPRESENTATIVE DANOU: I'm just going to make an inquiry of my own chair in the assembly here. We as legislators have a job to do as legislators, and the senator didn't seem -- Senator Zipperer didn't seem interested, but we have committee hearings for a reason, to look at a bill, hear public input and then to take that input and try and make a better bill.
I don't -- I would like to consider that we can sit down together and make this a better bill; and if you're concerned, I think we've got time to do it before August 9th, if that's what the concern is. We can take -- we can probably get most of the local wards redrawn from throughout the state or close to it, respect those local decisions and come up with something that Congressman Obey mentioned, a map that would be less divisive and potentially more representative of the state.

I'm willing -- you know, I think we've got to recognize that we've got to go before the people with their ideas and let them decide and not let the partisans and both parties be the ones that guide this process. I would like to do it. I'm willing to clear my calendar. I think the rest of my members will be willing to do that. I've got a vacation planned, but you know what, I can cancel it.

I'm more than willing to spend the next three weeks down here hammering something out with everybody in this room because it fell to us to make this decision and make this vote. Seems like I won't have any chance to exec on it, but it's on
us as legislators to have a chance to do that. And we can exercise some leadership here, and I would hope that my fellow committee members, both Democratic and Republican, would be willing to sit down.

I'm willing to do that. I can extend my stay at the hotels. I'll stay for the weekends if necessary and hammer something out here. I'm making the offer. I think we can do it. I wonder if my chairman would be willing to consider that.

CHAIRMAN VAN ROY: We're looking at this in the senate bill, and this is what this committee is about. And we're presenting it as such, as a senate bill, and so that's what's really coming up.

So if that gets passed and moved forward, it will be the question of the assembly if it will so happen that we will be putting that up as concurrence to that. So this is what we're discussing here today is the senate bill as such, so that would be it. Probably will not be an exec on this because we're looking at a senate bill.

CHAIRMAN ZIPPERER: Any questions for the gentleman before us? I realize he's tight on time as well.
MR. RUIZ: Mr. Chairman, just a quick thing. This senate bill -- referring to Senate Bill 150, all right? If this passes, this bill will reduce the time limit for each step in the process from 60 days to 45 days. This will lessen the opportunity for public input if this bill passes. This bill requires counties among municipalities to revise their wards and district plans to reflect the state legislative and congressional districts' boundaries. That does not coincide with a ward.

In other words, after we have set voting wards -- after we have set voting wards, the State can ignore them and throw in their own districts, and we have to reopen the process to adjust our boundaries. This will ultimately affect the works of the district plans of the city level. The State Assembly plan will force the City of Milwaukee to adjust the borders of 55 of the 315 voting wards and 9 of the 15 aldermanic districts.

Granted, the changes are small, but they are forced by someone drawing lines for pure political motives. The assembly lines we have to follow do not consider communities of interest or public input, and that is not acceptable, Mr. Chair. We
are not considering public input, especially in the Latino community where we have 41 percent, but we need to do translations, interpretations and documents and maps and all that sort of stuff so people can understand. So I'm respectfully asking again to please delay this process at least three weeks.

CHAIRMAN ZIPPERER: Thank you for coming. Next up, Peter Earl, and on deck will be Eileen Bruskewitz of Waunakee. So, Mr. Earl.

MR. EARL: I was hoping to say good morning. Good afternoon.

CHAIRMAN ZIPPERER: At least you're not saying goodnight.

MR. EARL: I appreciate that. My name is Peter Earl. I am a civil rights lawyer from Milwaukee, and I'm speaking on behalf of Voces de la Frontera, which is Wisconsin's leading immigration rights organization. And I want to note that I've participated in every single meeting of the Latino Redistricting Committee that was described to you by the person who spoke right before me, Mr. Juan Carlos Ruiz.

I think everybody, including you, Mr. Chairman, must agree that there is no right
more sacred than the right to a vote, and the value of that right to a vote can be diluted by a redistricting process depending on how it goes. In other words, legislatures have been known to manipulate the process to the advantage of a partisan majority in a way that disrespects the rights of minorities in violation of the Voting Rights Act and in violation of the United States Constitution.

Therefore, it is important that this committee, which is the steward of this process in Wisconsin, pay special attention to the types of values that should guide this process. This process should be open to all. It should be transparent to all; and most importantly, it should be fair to all. This is the third re-map process that I participated in as an advocate for the Latino community of Milwaukee.

While I haven't always thought or concluded that the outcome was optimal for the Latino community, up until last Friday I could say that I felt everybody was given a fair chance to participate. Most recently in the Milwaukee city redistricting process the Latino community was given a very meaningful opportunity.
The political leadership of the City of Milwaukee bent over backwards to make sure that communities of interest could participate. Maps were produced. Things were not rushed. In the end, well, up through that process, meaningful data in a user-friendly format was given to everybody. The time to consider that data was given to everybody. Everybody was given an opportunity to produce maps and present them to the process.

The Common Council ended up with four different maps at the end of the process; and as a result of that open process, the Common Council in the end unanimously adopted a map that I think everyone can say did fairness to everybody. The Latino community's efforts were appropriately rewarded with two super majority districts, and those two super majority districts depend on lines of wards that your proposal will shatter, and we'll have to do this process all over again.

So today I sit here testifying before you contemplating the possibility that the leadership of the Republican majority intends to super-fast track this redistricting process in a way that intentionally precludes any meaningful
participation by any community of interest no
matter who they are, Latinos African-Americans,
urban residents, suburban residents, rural
residents, young and old.

Today I sit here speaking to you in
disbelief. I am shocked. I am stunned. First,
you make public the proposed map just four days
ago, last Friday, in the afternoon on July 9th.
Second, you do not provide detail census block
data in a user-friendly format that allows the
citizenry to evaluate the proposed map or explore
alternatives. The GIS Shapefiles provided along
with the maps are useless to anyone without
sophisticated GIS software and the expertise
necessary to use it.

A standard GIS package costs -- called
Artview -- costs about $1,500. The more
sophisticated software package that would be
appropriate for this task costs about $5,000.
Third, the summary demographic information that
you provided on Friday afternoon along with the
maps is insufficient to adequately assess the
map's compliance with the Voting Rights Act.

For example, the summary data has a column
that's captioned Minority Population, and that is
subdivided into two columns: one, Hispanic; the other, other. As a consequence the leaders of Milwaukee's Latino community were able to, on a very quick basis, make very limited use of that data in order to get some very superficial understanding of what you were proposing to do in the 8th and 9th Assembly Districts.

However, our African-American friends are completely denied even that basic rudimentary information, which begs the question, why are you treating Latinos and African-Americans so differently from each other in this redistricting process? Fourth, it is my understanding that the Republicans intend to ramrod this re-map proposal through to approval by next Tuesday or Wednesday. The entire process from beginning to end, if your plan works, will have taken one and a half weeks, and the entire state will have to live with the results for ten years.

Fifth, the consequences of the lightning speed of this process combined with the lack of usable information means that the Latino community will have been deprived of an opportunity to evaluate whether it is possible to develop a majority Latino senate district. We believe that
if given the time and access to the data, we will be able to demonstrate that Milwaukee's Latino community is entitled to an influence district, an influence senate district.

So my question to you, Mr. Chair, and members of the committee, is why. Why is the leadership of a political party that purports to be against government waste and unnecessary government spending forcing the City of Milwaukee to waste all the money it spent on an open, thorough and successful redistricting process? Why are you in such a hurry that you completely preclude participation by communities of interest?

Why are you doing this in such a secretive manner that you have deprived everybody of usable statistics and data necessary for people to be able to understand what it is that you're doing to their voting rights?

Is the real reason you are doing these things that you are afraid of democracy or is the real reason that you ran fake Democrats in yesterday's primaries and cost the taxpayers near half a million dollars in order to slow down the recall process so that you could then fast-track this map through before the recall elections?
Everybody knows the answers to these questions I just asked you. I respectfully observe that you are like the Emperor with no clothes. We see you for what you are. If you don't slow this process down and hold hearings so communities of interest can participate, then I respectfully say to you shame on you. You should give us the three weeks we need to understand this process.

And if you don't, you will go down in history as having done serious violence to the integrity of our system of representative government. I will entertain any questions you may have.

CHAIRMAN ZIPPERER: Thank you. Any questions from committee members? Yes, Representative.

REPRESENTATIVE KUGLITSCH: Thank you, Chair. Were you here earlier for the testimony from the Marquette professor, Professor Esenberg?

MR. EARL: Yes, I was. I know well who the professor is.

REPRESENTATIVE KUGLITSCH: Do you agree with his assessment that the map is legal and would hold up in a court?
MR. EARL: You know, I was -- I was befuddled by the professor's opinion. Assuming that the professor got the map and the data at the same time we all did, assuming he had read experts who could manipulate the GIS data and what they called the Geo shapes or whatever, it is astounding to me that the professor, with such superficial information -- and assuming the information is the same information I have, it is astounding to me that that professor could come in here and render a legal opinion on such a flimsy basis.

As a responsible lawyer adhering to the ethical standards that govern my trade, I could not sit here and give you a legal opinion because I don't know, and I'm telling you, you don't know either.

REPRESENTATIVE KUGLITSCH: That's what I asked you. Thank you.

MR. EARL: Okay.

CHAIRMAN ZIPPERER: Any other questions? Thank you.

REPRESENTATIVE BEWLEY: I have a question.

CHAIRMAN ZIPPERER: Oh, I'm sorry.
REPRESENTATIVE BEWLEY: No, I just have a question for the chair procedurally. It has been suggested that the Senate Committee will exec, and the Assembly will not and that it will go to the Senate and be messaged to the Assembly; is that correct?

CHAIRMAN ZIPPERER: The bills are Senate bills before us. The Senate will -- is planning to exec, and, you know, it's potentially Friday date is what has been considered for the Senate exec. And what happens there is outside the purview of the committee of which I chair.

REPRESENTATIVE BEWLEY: Okay. Then I'll have one for Chairman Van Roy. Can we exec? I'm asking as a member of the Assembly participating in a hearing, I feel somewhat disenfranchised if, in fact, after I listen, I no longer have a chance to debate or discuss it in the committee that I am here representing. Why am I here listening if I don't have a chance to go to committee and discuss it? Just procedurally. I'm new.

CHAIRMAN VAN ROY: What I am looking at is a senate bill, so I have not brought forth any other bill, nor has it been brought
forth otherwise so --

REPRESENTATIVE BEWLEY: A companion bill?

CHAIRMAN VAN ROY: No, there's been no companion bill brought forth.

REPRESENTATIVE BEWLEY: And why not?

CHAIRMAN VAN ROY: That would be up to the leadership of the program, and I have not seen --

REPRESENTATIVE BEWLEY: Could you -- could you -- I'm requesting that you do that. As a member of the Assembly and on behalf of my Assembly colleagues, I want the equal opportunity to engage. We're here at this hearing together. After we adjourn this meeting I do not want that to be the end of my involvement in this process.

I'm here today. I want to finish. I want to work this all the way through. As my colleague has suggested, I'm not done when we gavel this meeting today. Can you make that request?

CHAIRMAN VAN ROY: Procedurally there's never been any companion bills on this particular -- on reapportionment.
REPRESENTATIVE BEWLEY: Then why?
What's the point?

CHAIRMAN ZIPPERER: You're hearing exactly what, and so you'll be able to vote when it becomes forth in the Assembly on the concurrence.

REPRESENTATIVE BEWLEY: I defer to my colleague on my right.

SENATOR ERPENBACH: Just real quick on procedure. I think what the representative is pointing out is there's not going to be a committee vote in the Assembly. Why would you bring everybody down here and pay their per diem, go through all the expense of all of that stuff if there's not going to be an executive session?

Normally what would happen is Rich is our -- Senator Zipperer's committee would hold the hearing, we vote on it, go through the Senate, then it would over to the Assembly, then it would go to the chairman's committee, then there would be a vote on it, and then it goes to the floor.

But we're doing a joint hearing I think to bypass the vote in the Assembly, if I've got that right. So I guess the question would be why -- either introduce a companion bill or why would the
assembly committee even be here in the first place?

CHAIRMAN VAN ROY: We've been asked to join to make this hearing.

REPRESENTATIVE BEWLEY: Who asked --

CHAIRMAN VAN ROY: -- and I accepted that.

REPRESENTATIVE BEWLEY: I'm sorry --

CHAIRMAN VAN ROY: And I accepted that from the leadership.

REPRESENTATIVE BEWLEY: I am asking you to ask leadership to allow this to go to the assembly.

CHAIRMAN VAN ROY: Well, we haven't -- I'm just following the procedure that's been brought forth before --

REPRESENTATIVE BEWLEY: I've made my case. I believe everyone has heard it. I believe my assembly colleagues will agree.

CHAIRMAN VAN ROY: Okay. Well, next. I've told you procedurally there's never been a companion bill on any of this and so --

REPRESENTATIVE BEWLEY: Then why do
we have the joint hearing, Mr. Chairman? That's all I'm asking. Why did I come all the way here? I have spent all of this time. I am doing my due diligence. Why am I here? I want to do the job I was elected to do. I am here. I want to finish this, with all due respect.

CHAIRMAN VAN ROY: Well, I think we will probably finish this as the procedure moves forward according to the -- as according to what's been set forth before us.

REPRESENTATIVE BEWLEY: I'm confused. I truly am, and I'm disappointed. May I ask my -- those of you in the assembly who have been here longer than I, what is this? Why are we here?

CHAIRMAN ZIPPERER: We appreciate the comments. The committee -- questions are not asked to individual members of the committee. They are asked to the chair or to the committee as a whole. We appreciate the input. Obviously the chairman of the assembly committee will take it under advisement, and we'll continue as we proceed forward.

The senate is planning the executive session, and we obviously understand you would like to see
an executive session in the assembly. And we appreciate that input. So without further adieu, the purpose of the hearing is to get further input from the public, and we can proceed with Ms. Bruskewitz. Thank you.

MS. BRUSKEWITZ: Thank you. My name is Eileen Bruskewitz. I am a Dane County supervisor, and I represent the Town of Westport and the Village of Waunakee. I've reviewed the proposed maps, and I'm here to testify in support, especially as it pertains to Dane County.

As you know, Dane County's one of the fastest growing counties in the state, and much of that growth has occurred outside of the City of Madison. I believe you've done an excellent job of getting the best districts possible by honoring the basic tenets of redistricting. As you create -- you created four assembly districts wholly within the City of Madison. A fifth assembly district was created which put Madison, Blooming Grove, McFarland, parts of Fitchburg, that kept those communities of interest together.

The new map creates two senate districts instead of three, and both senate districts vote in the same election cycle. One senate district
is wholly in Madison, and a second is Madison along with the municipalities to the south, which also share many communities of interest. You've kept suburban and rural areas in their own districts, and I think that's very important. And it's a positive.

This map, especially as it pertains to Dane County, reflects equal representation. I wish I could say the same about Dane County, but I -- Dane County redistricting, but I can't. There are 488,000 people that live in Dane County. 233,000 in round numbers live in the City of Madison. 255,000 live outside the City of Madison. That's 22,000 more people who live in the municipalities outside of the city.

Clearly, there should be more city -- I'm sorry, there should be more county supervisors than City of Madison supervisors. Yet the Dane County board passed a redistricting map that makes 20 of the 37 seats on the Dane County board predominantly Madison seats, leaving 17 seats for the rest of the municipalities in the county.

This was accomplished in large part by using a population deviation of plus or minus 5 percent. In other words, there can be a 10 percent swing in
population numbers. Clearly, this state has done a much better job with deviations of less than one percent. It's my understanding that the district sizes differ from each other by something like .8 percent.

The County had tools at its disposal to do the same, but they were relying on the Wisconsin Counties Association's advice to use the plus or minus 5 percent. I do support the maps that you have drawn, and I thank you for keeping communities of interest together and providing equal representation for the people of Dane County. And I'll just close by saying in the two redistricting processes that I've been involved in were first in the year 2000 -- actually, it was in 2001 when I was first elected to the Dane County Board of Supervisors and now in 2011.

Human nature will compel partisans to act in their own self-interest, and everyone's a partisan. Whoever wins gets to draw the maps and the lines. This is a very political process. You can't tell if a district shape is wrong unless you look at the many underlying factors that went into drawing it, and beauty is in the eye of the beholder. So thank you very much.
CHAIRMAN VAN ROY: Hang on. Are there any questions?

SENATOR RISSE: Yeah, I have one. You say Dane County has passed its map. If we adopt this map, how much of a change is going to happen to Dane County's map?

MS. BRUSKEWITZ: Well, I think the map that went out to communities just last week, I think they're going to have to consider what they will do. I don't know what the impact is. I don't know how different it will be. It will take someone that knows, has the mapping capabilities, to assess that.

SENATOR RISSE: But Dane County's map -- did the Dane County Board approve the map?

MS. BRUSKEWITZ: The Dane County Board approved a map two weeks ago, I think it is. It's now being sent out to the local municipalities to look at ward lines and boundaries.

CHAIRMAN VAN ROY: Senator Erpenbach.

SENATOR ERPENBACH: Thank you. Could you walk us through the Dane County process in drawing the map for Dane County?
MS. BRUSKEWITZ: Yes, there was a redistricting committee that was put together -- I think it was back in January, and there were a number of public hearings. Maps were drawn. Then maps were changed without any public input. We had one map that was being considered, and at the next meeting, without any discussion, there was a new map that was put before the committee, and it passed unanimously.

There had been several attempts to make some adjustment to equalize things, but all of those motions were voted down. And so other than that, it was a small group of people drew the maps. Supervisor Hendrick is chair of that committee, and it's my understanding that he and some staff drew a map. And that's the map that is moving forward and was sent out after a vote of the committee to the municipalities.

SENATOR ERPENBACH: Okay. Now, I know you're not partisan on the board.

MS. BRUSKEWITZ: Oh, it's a very partisan place, Jon.

SENATOR ERPENBACH: No, I know. I know, but would it have been considered a bipartisan committee?
MS. BRUSKEWITZ: Absolutely not.

SENATOR ERPENBACH: No -- I don't want to do liberal-conservative, but no -- the committee was all made up of more liberal, of the liberal members of the board?

MS. BRUSKEWITZ: That is correct. We had a token conservative. Supervisor Clausius from the City of Sun Prairie made up the conservative contingent on the board despite the fact that we do have 14 conservative supervisors.

SENATOR ERPENBACH: But he still voted for it.

MS. BRUSKEWITZ: No, he did not.

SENATOR ERPENBACH: He did not. It didn't pass unanimously then?

MS. BRUSKEWITZ: No, it did not.

SENATOR ERPENBACH: I thought it did out of committee you said.

MS. BRUSKEWITZ: No, it did not. The vote out of committee, I don't know. I think there was one person that abstained, and Supervisor Clausius voted no. And then when it came to the county board, I believe there were 14 no votes, and there were a few people absent.

SENATOR ERPENBACH: So it didn't
pass out of committee unanimously.

MS. BRUSKEWITZ: No, it did not.

SENATOR ERPNBACH: Okay. Thanks.

CHAIRMAN VAN ROY: Representative Danou.

REPRESENTATIVE DANOU: Just let me be clear about what you're testifying to. You're basically unhappy with the way Dane County did its redistricting. It was done -- you're implying done in secret by a small group of people controlling the process to do it in a very partisan way.

MS. BRUSKEWITZ: I think that's the way redistricting is done.

REPRESENTATIVE DANOU: So I guess what matters to you then is if it's your side that does the redistricting in a partisan secret way, it's okay; but if it's the other side that does the redistricting in a partisan way, that's not so okay.

MS. BRUSKEWITZ: No, I'm not saying that at all.

REPRESENTATIVE DANOU: Seems to be what you're saying.

MS. BRUSKEWITZ: What I'm saying
is, and I -- human nature, until people change, this is a very partisan process. I, like you, had suggestions and comments. But I only had 14 votes, and I was there to vote no. It passed anyway.

Do I think that minorities are being treated unfairly by this map? Yeah. I mean, I've been seeking out information to get more data. But I'm not part of the map-drawing crowd, so I don't get to do that. I think that it is very partisan, and it's unfortunate. I don't think -- maybe when Mr. Obey was speaking, there may have been a time in our past history where people were much more collegial and more willing to work together, but I don't -- I don't see that right now.

And so I -- I think people are looking at their -- their interests in -- I think -- this particular map I think there was a real attempt to take advantage of this opportunity to create majority minority or minority-influenced districts, and I highly support that. I think if there was some way to make a senate district that way, I hope leadership will support that. But when I look at this map overall, and, again, especially as it relates to Dane County, I think
this is -- the lines are in the right places.

REPRESENTATIVE DANOU: And I guess just to follow up briefly, it sounds like what you would like is a more open process at all levels of government in how we redistrict, correct?

MS. BRUSKEWITZ: I can only speak from my own experience in 2001 and again in 2011. I don't see it happening, at least at the county level.

REPRESENTATIVE DANOU: Again, so what's wrong at the county level is okay at the state level?

MS. BRUSKEWITZ: No, I'm not saying that. I'm just saying that's the way it is.

CHAIRMAN VAN ROY: I think --

REPRESENTATIVE DANOU: Thank you. That's all I needed here.

CHAIRMAN VAN ROY: Senator Erpenbach.

SENATOR ERPENBACH: Yeah, real quick follow-up. Would you support just letting, whether it's Dane County or Milwaukee County or whatever, getting it out of the hands of the supervisors and letting a panel of three judges, for example. Same thing that I would support for
the State, just letting three judges or five
judges or at least more than one judge draw the
maps, and that's it?

MS. BRUSKEWITZ: Senator Erpenbach,
I introduced in January -- no, it was back in
November of last year a resolution that would ask
the county board to appoint a committee such as
that, and my resolution was buried and died. And
I was so happy to see that Representative Hulsey
came up with the idea pretty much based on what I
had discussed. So I don't know what's going to
happen with his resolution. I know --

SENATOR ERPENBACH: Oh, I do.

MS. BRUSKEWITZ: Yeah, it's the
same thing that happened to my resolution.

SENATOR ERPENBACH: All right.

Thanks.

CHAIRMAN VAN ROY: Thank you very
much. Next we have state representative Brett
Hulsey, and then following that will be Kurt
Wilkins speaking against.

MR. HULSEY: Thank you,
Mr. Chairman, and that was a nice warmup, and that
was a great introduction. Great minds think
alike, I guess, but I'd like to thank you for this
opportunity to be here this afternoon. And thanks for holding it on this important issue on redistricting.

I would like to sort of urge you to go back to square one a little bit and support the nonpartisan redistricting reform measure AB 198. 198 will actually fix many of the problems we're dealing with here today because what it does is the process we're seeing here today is sort of the -- as we used to say bass-ackwards. You have maps before you have hearings, and one of the things the nonpartisan redistricting, which is patterned after Iowa, does is actually go out and have hearings beforehand to address many of these local issues.

This project has -- process has gone on for 40 years in Iowa with Democrats and Republicans and various controls in various houses in the governorship and successfully allowed them to get through their process much more quickly and at much lower costs than we are here. Ten years ago I believe we spent $10 million on the redistricting process. We already spent 100,000 this year. And by having a nonpartisan group, I have Government Accountability Board and
Legislative Reference Bureau do it, but I'd be happy to talk about judges, you know, or some mixture thereof to have a less partisan process because what we're doing here today is sort of like doctors operating on themselves. And they don't allow doctors to do that. It's always a painful process. Many times it doesn't turn out well.

Redistricting reform saves money. It restores confidence in people to the process, and I think in the last seven months we've seen many processes in this building highly suspect and skeptical. The recent poll out today shows 60 percent of the people don't trust the state legislature. 59 percent of the people don't trust the governor, and this is one more thing we can do to restore trust and faith in government.

And finally on the process that my colleague brought up, I think if we lead by example here and promote nonpartisan redistricting reform, I believe all the units of government will do that. One of the other things that applies to counties is it also gives them time to come up with their own lines so that we are conforming to local wards as was current law and not forcing them to go back
to square one and do that very expensive process
because many counties in local governments,
they've been doing this for months, and it will
respect local control.

So I urge you to table the maps before you
and have a hearing on AB 198 and redistricting
reforms. Thank you, Mr. Chair.

CHAIRMAN VAN ROY: Are there any
questions for the representative? Senator
Erpenbach.

SENATOR ERPENBACH: Thanks. I
guess I wasn't clear with Eileen. Do -- is Dane
County going to have to redraw lines?

MR. HULSEY: I have spoken to the
chair redistricting committee. They believe they
may have to redraw some lines.

SENATOR ERPENBACH: And you
probably don't know what the cost off the top -- I
mean --

MR. HULSEY: You know, it's not
cheap, and actually they're going through -- we're
going through the county budget right now saying,
"Are we going to have layoffs or are poor people
not going to get Meals on Wheels?" I mean, of all
-- based on the hundreds of millions of dollars of
state cuts to local government right now, this is one more unfunded mandate so --

SENATOR ERPENBACH: Thanks.

CHAIRMAN VAN ROY: Representative Danou.

REPRESENTATIVE DANOU: I'm just curious. Do you have the data for the states that have done these nonpartisan redistricting plans? Do you have any -- I don't know you have them in front of you, but what does it show typically happens with elections and the effectiveness of government? I mean, are there studies out there that talk about that and have looked at that?

MR. HULSEY: I think Iowa, having done it for 40 years, is a good example. They have a pretty clean government reputation, one similar to what Wisconsin used to have, but I think Mr. McCabe and others from the democracy campaign can speak to that more later on.

CHAIRMAN VAN ROY: Representative, no more questions?

REPRESENTATIVE DANOU: No.

CHAIRMAN VAN ROY: Representative Kuglitsch.

REPRESENTATIVE KUGLITSCH: Thank
you, Chair, and thank you, fellow freshman, Representative Hulsey. So I wasn't here last session, neither were you, but it seems like last session that if there was all this concern about bipartisan redistricting and, you know, concerns about how the whole process works, I would have thought that possibly the party that was in control at that point would have put these programs in place.

It just seems now that the Republicans are in control, all of a sudden now the other side wants to kind of change the process, so just want to kind of ask you on that.

MR. HULSEY: Sure, sure. Representative Spencer Black introduced this last year and -- or two years ago, and I think obviously, as you know, when you're a party in power you have, you know, priorities, and he didn't get it passed. But I think we're continuing the effort. It's good for us to continue the effort to try to improve government.

As Congressman Obey said, you know, what should we be doing here is the important question, not what do we have to do, but I think some people are wishing they probably passed it the last two
sessions.

REPRESENTATIVE KUGLITSCH: You mention that Iowa currently has this process that you would like to follow up on. How many other states have that process?

MR. HULSEY: I know there's various --

MALE SPEAKER: There's a couple of commissions out there. Arizona, California is going that direction.

MR. HULSEY: Okay. If we get as exact information as we --

REPRESENTATIVE KUGLITSCH: I was asking you, but that's fine. So there's more than just Iowa that have this.

MR. HULSEY: Right, there is a judicial model I think some states have as well.

REPRESENTATIVE KUGLITSCH: But that's different than Iowa's.

MR. HULSEY: Right.

REPRESENTATIVE KUGLITSCH: So I just wanted to find out --

MR. HULSEY: Iowa uses the nonpartisan --

REPRESENTATIVE KUGLITSCH: Right.
MR. HULSEY: -- agency model.

REPRESENTATIVE KUGLITSCH: So what I'm looking at is the one that you'd like to follow is Iowa, and there's one state out of 50 that have it.

MR. HULSEY: No, there are several other states. We'll get you the number when the democracy campaign testifies.

REPRESENTATIVE KUGLITSCH: Okay.

Thank you.

CHAIRMAN VAN ROY: Representative Danou.

REPRESENTATIVE DANOU: Since I was here last session I will note that personally I supported that approach, and I know a number of my colleagues did. As you well know, unfortunately, leadership are the folks that schedule bills and move them, and leadership often, you know, in retrospect makes decisions that we don't often agree with, sometimes even if you're in the same party together.

So from my perspective, I think Iowa, I supported it last year. I'd support it again this year, and I have some further ideas that I will probably be introducing as we move along.
CHAIRMAN VAN ROY: Thank you, Representative.

MR. HULSEY: Thank you, Mr. Chair.

CHAIRMAN VAN ROY: Next we have Kurt Wilkins speaking against, and up is Fria Newman from Milwaukee will be following the gentleman.

MR. WILKINS: All right. Thank you for your time. I'm just going to make it really short. A lot of the things that I would like to talk about have already been said earlier. I've been here and listening. So there's a few things that I wanted to give you my opinion about is it seems like a constitutional value and right that people should select their representatives in government, and it looks to me like the whole way the whole system is going here now is like the reverse of that.

I think that for this to move so fast is very inconsiderate to the local governments, and it's almost like political bullying. And I hear the people from Madison and Milwaukee talking about this, and it seems like kind of the cart before the horse where to have proper representation, it should be done on a smaller level first and then
build up from there.

I haven't seen any indication here that these maps don't have a major political agenda, and, you know, I don't think that's a good thing. I guess my recommendation would be to give it more time. Like somebody mentioned, what happens here in basically one week of legislation is going to affect the state and the citizens for the next ten years, and I think they merit more respect than just to run something through in a hurry than more consideration from other people and all the citizens involved.

CHAIRMAN VAN ROY: Thank you very much for coming.

MR. WILKINS. Thank you for your time.

CHAIRMAN VAN ROY: Next we have Fria Newman speaking against coming from -- (speaking Spanish)

CHAIRMAN VAN ROY: Shawn Pfaff will be up next after that.

MS. NEWMAN: Good afternoon, everyone. It's a pleasure to be here and be able to see the decisions that impact the public. So my name is Fria Newman, and I am here on behalf of
Voces de la Frontera to raise my voice as a concerned citizen. I worked for almost 30 years for the Milwaukee Public Schools as a teacher and as an administrator before retiring on June 30th of this year.

Just to give you a little bit of background, and at the end I will share the newspaper with you, by the way, that is a bilingual newspaper, and it is in Spanish and it is in English. Voces de la Frontera is the largest Latino membership organization in Wisconsin, and it has been actively involved in the redistricting process of the City of Milwaukee.

A couple of weeks ago I attended a redistricting hearing in Milwaukee, amazing, a process that, even though there was a heated debate, was refreshingly transparent; an example, ladies and gentlemen, how democracy should work. This is in contrast to the redistricting efforts currently on the way at the state level, which having taken place in a veil of secrecy. Why? We don't have the answer.

The map was only made available to the public last Friday, and the hearing -- the hearing is being held today. Wisconsin residents have not
been given the opportunity to evaluate and understand the proposed redistricting map and its implication. By listening this morning and watching the presentation of the map, we see that we stand -- Voces de la Frontera stand in solidarity with NAACP and the African-American community.

Why do we do that? Based on the limited data available, it appears the proposed redistricting map violates the civil rights of the African-American community after they are being pushed out of the majority Republican district. We need to look carefully at that map that needs to be studied.

We demand a process that is transparent and protects the civil rights of African-Americans, Latinos and all Wisconsinite residents. We request to be given two to three weeks' time to access and review this information to ensure that marginalized communities are given the opportunity to participate in a democratic process.

Before I conclude my saying, I do want to apologize to everybody and to everyone, because I hope it's not taken the way that it may sound. So I would like to conclude by stating that as a
naturalized U.S. citizen who swore to uphold the
democratic principles for which our nation was
founded, I call on all of you, ladies and
gentlemen, as elected officials, to do the same as
you would with the redistricting. Thank you very
much.

CHAIRMAN VAN ROY: Yes,
Representative Zamarripa.

REPRESENTATIVE ZAMARRIPA: Thank
you, Mr. Chair. Thank you, Ms. Newman, for coming
to testify today, and I just want to clarify.
Earlier a gentleman talked about how Latinos have
been working, he's read about it in the Hispanic
newspapers, and this is great. I'm so happy that
you brought copies of the current issue, Voces
monthly publication. Voces is a very popular
community paper in my district, in the 8th
District.

The redistricting that is covered in the
Voces newspaper is regarding the local
redistricting, the city level. And so the
gentleman earlier, who I see is still with us, was
referring to that. There has been a lot of talk
in the Latino community because of the wonderfully
transparent process that the City of Milwaukee
went through with their redistricting efforts, and it was covered widely in Voces de la Frontera, El Conquistador, and the like.

So I'm glad you brought a copy and you can distribute to the members of the committee so that they can see, yep, there was absolutely dialogue in the Latino community around redistricting, not at the state level. It was around the redistricting at the local county, some at the county level, and also at the school district level.

The statewide level redistricting, as we all know, was available at the end of the day this past Friday, so you won't find that covered in this newspaper. If that could be distributed by one of our pages, that would be great.

MS. NEWMAN: Definitely I will do that, and thank you very much.

CHAIRMAN VAN ROY: Thank you. Next we have Shawn Pfaff, the mayor of Fitchburg, and following him will be Jerome Ryan -- Jeremy Ryan, excuse me, from Madison.

MR. Pfaff: Good afternoon, and thank you, Mr. Chairman. My name is Shawn Pfaff, and I'm the mayor of Fitchburg. Fitchburg is the
community immediately to the south of Madison. We share our northern boundary with the City of Madison. Go out Park Street or Fish Hatchery Road, you'll be in Fitchburg. I want to thank Senator Risser and Senator Erpenbach for your years of service, and under this map Senator Risser will no longer represent the City of Fitchburg.

I don't come here with partisan labels, which is nice as mayor. You get to be a nonpartisan mayor. I come to you to talk about Fitchburg's unique story, and kind of what fits into what Fitchburg is as a community. You're having passed out to you right now by the page staff, it's my testimony but also some maps that we've worked on.

As you know, Dane County has really grown. There's no question Fitchburg has seen incredible growth in the last ten years especially. Fitchburg is a very diverse community. We were originally a township that has fought a huge battle with the City of Madison and others to become our own city nearly 30 years ago. So in my city limits I have a diverse community. It's 35 percent minority. I also have farmers that live in the City of Fitchburg. We have some of the
wealthiest people in Dane County and some of the purest. So it's a very diverse community.

We took redistricting very seriously in the city. I was elected in April, and one of the first big tasks that I had to do was create a redistricting committee. You may know the woman that I asked to chair the committee, a women who was just elected to the Fitchburg City Council for a second time, Denise Solely, who many of you know in the capitol. She asked if she could chair our committee.

The committee I appointed had six other members from the public, four from the different aldermanic districts that we have. We have two alders per district; at-large member, Francis Huntley Cooper, who was the first African-American mayor in Fitchburg; and our Hispanic leader in Fitchburg named Cora Higgenbotham. We also had a rural, a farmer, sitting on the committee, so it was a wonderful group that we had.

It was an open and transparent process, and you can go on our city's website. We took it very, very seriously. One of the goals that I had in that was, A, to be transparent, but, B, to do what we could do to reflect the new Fitchburg, if
you will. And as you see in the maps in front of you, we are a very diverse community, 35 percent diverse of the 25,000 people proportionally, and I believe we are more diverse than the City of Madison.

We have nearly 5 -- more than 5,000 Hispanics and more than 2,000 African-Americans. The goal of the committee was created by them, not by me. I'm glad that they did. I encouraged them to think big. They wanted to create as many majority minority districts as they could. Some of the things that have happened recently in Fitchburg in redistricting is we continue to grow. A lot of new sub-developments that my wife and I moved into ten years ago have encroached on some of the new rural areas but have also taken away some of the representation from some of the more urban parts of our city on North Fish Hatchery Road and over on the Allied Drive area.

So the group came up with a map that we were very proud of. We played by the rules. We went through an open, transparent process, and we were ready last night at our council meeting to go through what the maps looked like. We will have had two I believe majority minority districts. In
fact, we have put four of our alders against each
other, which is great as a mayor, knock a couple
of those guys out. Anyway, I'm just joking, of
course, half-joking, but anyway, you get a map
that we think is current and that really was a
local nonpartisan process.

What makes Fitchburg even more unique besides
its roots, its diversity, its township roots and
its diversity, we have three different school
districts. The second colored handout -- I think
it's colored. My copy is colored -- is the three
school districts in Madison. Senator Erpenbach
knows this story well about Fitchburg and its
three school districts. We have Madison, Oregon
and Verona.

So what we have in front of you is a
community that tries hard to reflect its
diversity, but we are stuck here. We are stuck
because the local -- the locals going first, if
you will, has allowed us to create two majority
minority districts, but now we can't -- we can't
get that map, Mr. Chairman, because of the minimum
requirement that you have per ward, which is 600.

And on the school district map you'll see the
census tracks; but on the other map I've given you
is the new senate districts and the new assembly
districts, and then you have the school districts
overlaying the top of that as well as the county
board. And so what we have here is our city
clerk, I'm sure she's watching this testimony as
we speak, she's trying to figure out which ballots
go to which people in Fitchburg.

But also it's hard for us to create those
districts that we want to create which we think
reflects new Fitchburg because we can't grab the
right amount of census tracks to really not fall
into problems with the deviation, if you will.

So, again, I'm not here to be partisan. I'm
not here to be political. I'm here to ask if we
could possibly -- I know my colleague,
Representative -- or Alder Soley has reached out
to Representative Ballweg and had a brief
conversation about possibly looking into this for
us. I think if we could have a little bit of
flexibility in the minimum size boards within a
city that has multiple school districts so it's
very tight, we could have very much a map that has
four aldermanic districts. We have two alders per
district that would represent a very urban
Fitchburg and also a very rural Fitchburg because
that's what we are as a city.

So I appreciate your willingness to let me testify. I had our city planning department put together these maps for you. We got a lot of stuff online that you could certainly look at. I don't think we're asking for a lot here, but I do think it's one of these examples where the locals, we kind of stepped up, we knew what the rules were, embraced it, we were transparent, we were public, we had a committee that many of the people didn't even know each other.

And our community of Fitchburg, as Senator Erpenbach knows, is still kind of a big small town, so everybody knows each other but truly was such a diverse community that they didn't really know each other, and they were really proud of their final work product.

It is what it is. We're asking for a change. You know, there's a bigger issue at stake than little old Fitchburg. But we don't think we're asking for a lot, so I appreciate you letting me testify, sir.

CHAIRMAN VAN ROY: Senator Erpenbach.

SENATOR ERPENBACH: Thanks. Shawn,
are you the only city basically dealing with three school districts?

    MR. PFAFF: Senator Erpenbach, I think that is true. I can have my city attorney check. But I think we're very unique in a sense. I think De Pere, I think Chairman Van Roy I think knows, has two, but we are dealing with three. And so that's what really, Jon, when you come -- Senator, when you come in a polling place, "What part of Swan Creek do you live in? Do you live in Senator Erpenbach's area or do you now live in Senator Miller's area?"

    SENATOR ERPENBACH: Yeah, or Miller's area, because if they're not voting for me, obviously not in my district. Just kidding. How much is it going to cost Fitchburg if you have to redraw lines?

    MR. PFAFF: I don't know if we have those exact numbers. We've got a pretty good staff that can do a lot of the computer work, if you will, and move maps around and things like that. But we would have to reconvene our committee again. We'd have to pull our volunteer group together again. Of course, city maps are determined by the governing bodies, so we could
decide to go in a different direction at a council level, but as mayor I've committed to stick to the process.

I know my fellow alders have as well. John Soley would probably have to go back once or twice to figure out the final map, but the key is when do we do those? What is the timing? So we're kind of a little bit in limbo here.

SENATOR ERPENBACH: I know you -- the process is fairly long as far as process goes, and it was very long. You'd have to go through the same thing again you think or would you be more limited?

MR. PFAFF: I think what we do is we would have to be a little more limited because of the school districts and the way we have to true-up our ward maps with our school districts because you can't have people that are in your senate district that live in the Madison School District, and it's just -- it's just a very confusing issue.

So I think we can get there. Like I said, my colleague Denise, she knows her way around, knows how to -- is helping us in suggested language if the committee's interested in that, Senator and
Mr. Chairman, so --

SENATOR ERPENBACH: Thanks.

CHAIRMAN VAN ROY: Representative Danou.

REPRESENTATIVE DANOU: Is this -- I know it sounds like you've got a fairly unique situation, but we're seeing media reports. Are there other local officials you've heard from that say this is also a problem for them?

MR. PFAFF: I think what I would hear, just through what I have read in brief conversations, is that a lot of locals, we follow the map, the 60 for the county, the 60 for the city, and so we were pretty strict to that. My city clerk when I was first elected in April, first week in May, she started saying, "Shawn, we've got to think about what your redistricting committee looks like."

Dane County, I think Representative Hulsey is gone or maybe Supervisor Bruskewitz is still here. They approved a tentative map on June 16th, so if the 60-day clock continues, we have until August 15th-16th, if you will. Our next council meeting, those of you in local government know, is the capitol-improvement budget, which is just an
all-night affair. So we probably can't take it up then, but we have to for sure take something up by August 9th, which, you know, we want to make sure we do our due diligence to give our community a chance.

But the other thing, too, the city clerk just reminded me of, we have to post this twice in the paper so the public knows. So we may have to post a hearing in Fitchburg without knowing what our exact maps are. Is that the end of the world? No. Is that good for public trust and government? Concerns me a little bit. So those are the real-life logistical things we've got to do based on what you folks decide here on this map. And I understand the 50,000-foot-level argument very well. I get it.

I come here as an active mayor, a mayor that's kind of day-to-day governing and just trying to figure out what you want us to do. We think we've got a good map. We think it reflects, like I said, modern Fitchburg, and we hope you'll take a look at it.

CHAIRMAN VAN ROY: Representative Ballweg.

REPRESENTATIVE BALLWEG: Thank you,
Mr. Chairman, and thank you, Mr. Mayor, for coming to testify today. Your letter says that you want to be able to create wards of the minimum population of 300. What's your -- the number that you're shooting for given, you know, very less --

MR. PFAFF: Yeah, I think in the northern part of our city, Representative Ballweg, kind of the map there, North Fish Hatchery Road area, there's some census cracks up there that are a couple hundred that we would want to use as a ward so we could keep an apartment complex for other areas, kind of like economic people, if you will, from one area instead of taking minimum 600, having to grab that whole census crack, move it into a sub-development, a new development where there tends to be more homogeneous families.

So I don't know the exact number, but I think the number 300 is close to where we're at. I don't think we'll go below that, of course, but I think we're in that 3 to 500-people range, but the minimum right now I believe is 600. And the max is 2,000 or something like that. I don't know if my numbers are right but -- 2,100, thank you.

CHAIRMAN ZIPPERER: Representative Bewley.
REPRESENTATIVE BEWLEY: Thank you, Mr. Chairman. Thank you, Mr. Mayor. I want to thank you for coming here today because, in fact, so many communities are like Fitchburg around the state. Their needs might not be exactly yours, but every community is complicated. And also every community is made up of dedicated citizens who have worked very, very hard on this process.

And I just want to say I'm grateful that you didn't pack up the family and go camping at noon on Friday because you could have left and come back, and it would have been all over by the time you got back.

MR. PFAFF: The text messages were buzzing. I will tell you that.

REPRESENTATIVE BEWLEY: Well, okay. Thank goodness for text, but, I mean, indeed the process is so quickly that if someone were to leave for a vacation, they could come back, and it would be too late. It would be done, and I want to thank you for that.

But what happened if we aren't able to make the adjustments, and are you suggesting that we just have an amendment? I mean, we are -- we are lucky that you are here because we have one thing
we might be able to fix, one small thing, but
there are hundreds of Fitchburgs. What's going to
happen to them, do you think?

    MR. PFAFF: Well, I think what
would concern us is that we would lose -- we
would -- of course, alders and state
representatives, senators, you represent
everybody, of course, so people call you, you
respond to that, you react to that, but we would
lose a chance to have a majority minority district
in our city that would represent people from
certain economic -- you know, good indication,
certain economic places in life, if you will.

    We have a very diverse economic population in
Fitchburg. If we can't do this, we're going to
have to take a few, for lack of a better term,
some of those apartment complexes and put them
into Swan Creek's areas, which is the, you know,
middle class, white suburbs, if you will, and
you'll kind of lose that voice.

    And so the other thing is that it's just one
of those things where a lot of our services go in
the northern part of our city because we border
the City of Madison. We do a lot of the shared
services with the City of Madison, fire calls,
police calls in that area up there, and all, you know, healthy city stuff that we should do as city leaders, but it's good to have that voice, if you know what I mean.

We have a Leopold school, which is an anchor, one of the anchors in the northern part of our city. With Madison School Districts, we do a lot of outreach programs with them, a lot of leaders that are part of the PTO that want to get involved in city government. This will give them a shot to run; 25,000 people but 5,100 Hispanics, more than 2,000 African-Americans. It's a very diverse community. I'm proud of that. I would love to have our map embrace that.

REPRESENTATIVE BEWLEY: Thank you.

CHAIRMAN VAN ROY: Representative Zamarripa.

REPRESENTATIVE ZAMARRIPA: Thank you, Mr. Chair. Thank you, Mayor Pfaff, for coming to testify today. A couple things I wanted to touch on regarding your testimony, and that is if Senate Bill 150 passes, that does allow the overriding of ward lines that local governments like yours have invested a lot of time, energy and resources into; is that correct?
MR. PFAFF: It is correct, and all of it, Representative, is on our city's website so the public can watch it online, and our local TV covered all the stuff and they replay them on the Public Access Channel.

REPRESENTATIVE ZAMARRIPA: So I see. In addition to affecting my City of Milwaukee, I appreciate hearing about how it affects Fitchburg. I know I mentioned earlier the money that my city's already invested in redistricting, and now the amount of money that we'll have to spend to essentially have to start from scratch if SB 150 does pass.

And I also wanted to let you and the rest of the committee know that I did receive some testimony, and I've had it distributed from South Side Organizing Committee, which is a nonprofit organization that serves my district as well Representative Josh Zepnick's district. And they have expressed very similar sentiments to yours, and I just have to read this one statement to you from Director Steve Fent.

He asked -- he says, "We ask the State of Wisconsin to help us in these efforts and to stop interfering with systems and agreements that have
been put in place by our locally elected officials and have withstood the test of time." I think asking simply that we don't slice into ward lines to wards that were drawn by local officials like yourself, I don't think that's too much to ask, and I think that what happens here is where you circulate the local control and I think that -- isn't the majority party, haven't you been about not asserting local control? And I just had to point that out.

MR. PFAFF: I would just briefly -- not to get partisan here, but I would briefly say that I asked the alders -- kind of dangerous in this business to think out loud in the mayor's chair -- "You guys want me to come down here to testify, and you guys want me to do this?" And even citizen members who I asked to come, prior to Thursday we have to have our agenda out, and this map came out on Friday. So we had invited -- and many of them showed up last night, and they all said, "Go down there and see what you can do. This is a good map. This is a community project, something we're proud of."

We had our farmer sitting right next to our Hispanic leader and one of our old senior citizens
that's in the northwestern part of our city on the committee as well, and so they all agreed with my eight alders that I should come down here and testify. So I stand here, I think, pretty united voice. I mean, we'll figure it out. If you guys decide not to do this, we'll figure it out if we have to.

But we come here asking for -- you know, take a look at something because all these unique situations pop up. I know you guys know that, so I thank you for letting me testify.

CHAIRMAN VAN ROY: Thank you very much.

REPRESENTATIVE ZAMARRIPA: I have one more question, I'm sorry, Mr. Chair.

CHAIRMAN VAN ROY: Proceed.

REPRESENTATIVE ZAMARRIPA: I just again want to point out, you said that there was potentially a chance to have two minority majority Common Council districts in your city.

MR. PFAFF: Yes, I'm 98, 99 percent sure, yeah, yes. What we did was the committee wanted to do two things. One, they wanted to allow for that opportunity for the minority majority district to occur but also allow for a
rural area as well. We have farmers in Fitchburg. I have a dairy farm, you know, six dairy farmers in the City of Fitchburg. We wanted to have the opportunity for the rural folks to have a chance too. Because of land-use decisions and environmental issues, there's a little bit of conflict between rural folks and more urban suburban dwellers.

And so I really wanted to make sure the rural folk were heard as well, so the map was drawn in a way that kind of reflected that we have that majority minority district, and we also have a chance for the new sub-development, not to squash out a lot of the rural families that have been here, been in Fitchburg since statehood, frankly.

And so it was an interesting puzzle piece. These three school districts, ward maps, different assembly districts, all of this stuff really kind of puts us in a box because we wanted to set it on the front end and hopefully let you guys layer in over the top, which has been the practice in the past. So that's kind of how we wanted to do it.

REPRESENTATIVE ZAMARRIPA: So now with the redistricting efforts, if this redistricting --
MR. PFAFF: We will have I believe one barely minority majority district.

CHAIRMAN VAN ROY: Thank you, Mr. Mayor. Next we have Jeremy Ryan from University Avenue in Madison; on deck, Kenneth Green from West Allis, Wisconsin.

MR. RYAN: You know, there's many ways to cheat. You can cheat at a game of Monopoly. You can steal some money from the banker. You can cheat on your wife, as we saw with Randy Hopper. You can cheat an election. Now, this is what I'm going to talk about today is how you go ahead and you cheat elections because we've seen a lot of this kind of thing this past year.

And in 2006, that was the first election I ever voted in, and I had voted. And I was told that Wisconsin had a very fair and very honest election system, and this year we've seen it pillage from every single angle and literally raped every way that you can. You sit here, and you vote like sheep. And you follow your leaders. You follow your money. Maybe if I said I was David Koch you'd pay a little more attention; but you sit here, and you tilt the tables in every way
that you can.

We have Waukesha County which is a fact that is either gross negligence or election fraud, but how many human errors can you have before you get it to look like election fraud, ballot bags wide open? No one will ever really, really know if, you know, this person who likes to abuse women is really the Supreme Court justice. We'll never know.

And that should be concerning on its own, and then you table amendments that will fix that. And then we have the recalls, and you're sitting here as a majority party buying shots for recall signatures, getting people intoxicated just so that they'll sign your sheet to try to get numbers out.

And then you put up fake candidates, which is questionably illegal but certainly unethical. That's not even in question. And then things still aren't going your way. You lose all of those elections. Things still aren't going your way, and you realize, "Wait a second. Maybe the people are upset." And so now you want to gerrymander and switch these districts around to at least try to keep some form of -- some form of
your parties still in place.

And that's just wrong, and I don't care whether Scott Fitzgerald or Jeff Fitzgerald or Bill Kramer or any of those other arrogant rich men, who don't really know or care about the people, tell you what to do; although, I do realize that that's all you care about. But what I do care about is the fact that maybe you should look back at your history, and at some point in your life your parents should have told you that you should play by the rules, and you should keep things fair.

Life isn't fair, but that doesn't mean we should go as far away from it as possible. That doesn't mean we should try to tilt the tables to keep people in mind after passing a state budget that screws over every single citizen that makes less than $100,000 a year, and, you know, I just want to let you know that if you think tilting the tables in this way and the other ways that we've seen making it harder to vote than to carry a gun and, you know, if you think tilting those tables is going to help you win elections, you're wrong because once people no longer have jobs because every single thing that you've done hasn't really
created any jobs, once people no longer have services for their disabled children, once they have horrible healthcare, once doctors start cutting off the wrong leg and then they admit it's the patient's and it can't get admissible in court, once -- you know, once people -- students can't vote because not a single student can vote in the primary now because of AB 7, these are all facts, and most people start realizing the effects of this stuff that you're passing, let's just say you think Act 10 was big, just wait. And you don't stand a chance in hell whether you gerrymander or not. So enjoy. Get back to your cell phones.

CHAIRMAN VAN ROY: Next we have Kenneth -- is Kenneth here? Following is Andrea Kaminski, Madison, League of Women Voters.

MS. KAMINSKI: Good afternoon. Thank you for this opportunity to speak on behalf of the League of Women Voters. For 91 years the League has advocated for equal representation and electoral integrity, and each decade the league has devoted much attention to reapportionment and redistricting.

As a nonpartisan citizen organization, the
League represents no special interest but the general well-being and political representation of the people of Wisconsin. In the past 18 months our state and local leagues have sponsored more than a dozen public forums on redistricting in Wisconsin to educate voters.

League members are serving on county redistricting committees, and two league members recently filed a petition in Brown County Circuit Court with a plan for that county's supervisory districts. Like other concerned citizens, League members have been doing this because they believe in fair and representative government, and they -- that is the reason they devoted countless volunteer hours.

At the state level the league has advocated since 1981 to have a nonpartisan or bipartisan entity draw new congressional and legislative district maps. What's being proposed in the bills that you're considering today is not simply a matter of flouting some of the technicalities of our laws and traditions. Rather, these proposals turn our state's process of government into a charade and weaken its foundation.

The strength of our form of government stems
from the people believing that their elected
representatives have the public's interest at
heart, not their own personal interest. These
proposals defy that principle. We offer the
following additional comments. The process and --
the process and timing outlined in these bills
show no respect for the local government officials
and citizens who have been working for weeks to
develop local redistricting plans.

Traditionally and by law they are allowed to
develop local district maps before the state
legislature weighs in. Yet, these bills propose
specific district maps and simply state that if
the local plans are not consistent with these, the
local governments will have to adapt at their own
expense. And so much for all the hours that
citizens put in on a volunteer basis. These bills
change the rules midway through the process and
are an insult to the people who know their
communities the best.

Two, the league does not believe for a minute
that it's a coincidence that these maps were
introduced on the Friday afternoon before the
first of a series of recall elections. As if it
is not bad enough that voters and local officials
had to adapt in a few short weeks to a restrictive new election law, now the sponsors of these bills are turning the traditionally grass-roots redistricting process upside down with a top-down big government proposal in the midst of the recall elections. The shameful result, and we believe the purpose of this, is to further confuse voters and suppress participation in the elections.

Three, Wisconsin's elections over the past 15 years have shown our state to be pretty evenly divided politically. Indeed, most Wisconsinites are independent voters. Any redistricting map should reflect the tenor of the state and not be concerned with the tenure of current elected officials.

The goals should be to provide the best possible representation for citizens who, by the way, are tired of elected officials who are so polarized that they can't even work together without spurring multiple recall elections. We urge you not to rush this once-a-decade process for partisan gain. You should hold properly noticed public hearings around the state, open meetings and maintain full transparency so citizens can participate and have faith in the
outcome.

I loved the description of how Fitchburg has done this with great transparency. Citizens should have time to consider alternate maps developed by nonpartisan groups as well which offer legitimately drawn districts that do -- that preserve communities of interest, substantial equality of population and also offer greater competitiveness.

Last, you think the League of Women Voters is criticizing the proposed plan because of partisan preference. I assure you that we've advocated for decades to place the redistricting process in the hands of a nonpartisan entity. We have in our office a 1989 letter from then assembly majority leader Dave Travis, who assailed the league for being pro-Republican. At least in the past redistricting has been carried out with a divided legislature which resulted in a modicum of balance.

The fact is while control of the legislature has changed, the League's position has not. The need for nonpartisan redistricting is only made more obvious by the poorly timed introduction of these clearly gerrymandered maps that are in SB
148 and SB 149.

We urge you to reject these proposals and make this year's redistricting process one that you could be proud to tell your grandchildren about in the future. Thank you.

CHAIRMAN VAN ROY: Representative Bewley.

REPRESENTATIVE BEWLEY: Thank you. Could you please describe the process by which you came to write this letter? I know that there are League chapters throughout the state. Are you speaking on their behalf or is this strictly from your perspective, your group?

MS. KAMINSKI: The way the League adopts positions is that we go through a process of studying an issue. It can take a long time. It can take up to two years, but in that process we study the issue, and our members study the issue while educating the public in their community by inviting speakers of all sides to come in and speak at forums.

We do look at all sides, and then through a process of consensus we go through a member-agreement process and then adopt a position. The position in favor of nonpartisan
redistricting was back in 1980.

REPRESENTATIVE BEWLEY: And what about the position in opposition to these bills?

MS. KAMINSKI: That is done -- what we do is once we have the broad positions, and this relies on our positions in favor of open government, public participation and equal representation and electoral integrity, we drew on all of these broad positions, and what I do is I am the executive director and lobbyist for the group. I work with my board, my legislative committee, and it's not just something that comes out of, you know, an afternoon's discussion.

REPRESENTATIVE BEWLEY: Thank you.

CHAIRMAN VAN ROY: Thank you very much.

CHAIRMAN ZIPPERER: Thanks. Next we have Thomas Krajewski of Madison, Wisconsin, speaking against; and on deck, Mike McCabe, Wisconsin Democracy Campaign. Welcome.

MR. KRAJEWSKI: Thank you. Good afternoon, Chairman, members of the committee. I admire your stamina. First of all, welcome to your house. It pains me to say that, but clearly you own this house. It pains me because my
grandparents built this house. They built it along with three million other Wisconsin taxpayers. They didn't build it for you. They built it for all Wisconsin taxpayers. They built this house of the people, by the people and for the people, and that's a good thing for any resident of this house to keep in mind.

Now, to the bills at hand. This is -- this is a joke, right? You do wacky things, and we react with anger. We need to understand what you're doing and laugh, not attempt to match your humor. You pay lawyers to draw these maps. Most people hire geographers to draw maps. You paid lawyers a reported $300,000 to draw these maps. Before you're done it will likely be $500,000 to draw these maps. Next thing you will be telling us that it costs $7.3 million to tape them together. We should recognize the joke for what it is.

In 1970, as an undergraduate at UW-La Crosse, I took a class in political geography. Compact and contiguous were beat into our heads. When reapportioning legislative districts, they need to be compact and contiguous. A fourth grader could draw maps that are more compact and contiguous.
Even more often we heard any damn fool can draw a line on a map. Any damn fool can draw a line on a map.

You can find examples all over the world. We're now engaged in three wars in the Middle East as a result of fools drawing lines on maps, and you've given us a great example right here in Wisconsin. This is a joke, right? Racine and Kenosha Counties are split. Sheboygan, Sparta, Marshfield, Clintonville are split. Clintonville, a city so small that most people in this room couldn't even find it on a map, is split.

Any damn fool can draw a line on a map. What a great demonstration you have provided. You paid lawyers $500,000 to draw maps that are so ridiculous a fourth grader could see it. The process is a joke. These maps are a joke, and I expect you will soon pull out another step of new and improved maps that will be marginally better. And you will say "See? We've listened." These maps are a joke, and we ought to have the good sense to laugh. Thank you.

CHAIRMAN ZIPPERER: Any questions?
Thank you. Up next, Mike McCabe, Wisconsin Democracy Campaign, speaking against. On deck,
Dan Thompson, League of Wisconsin Municipalities,
speaking for information only. Welcome.

    MR. MCCABE: Thank you. In a
Democracy voters are supposed to choose their
representatives, not the other way around, and the
redistricting plans that you have before you do
violence to that bedrock principle of democracy.
The congressional and state legislative
redistricting plans that you're considering are a
Republican gerrymander, pure and simple. That is
patently obvious. One measure of how patently
obvious it is that this is a politically inspired
maneuver came from a Neillsville radio station
which is reporting that the local -- a local
Republican party official in Clark County is
calling this plan unethical, and he's quoted as
saying, "There's something called integrity.
Things should be done properly" and obviously
feels that the plan before you falls far short of
that standard.

    Now, there's a real measure of what a
preposterously political charade is occurring here
is when a local Republican party official in Clark
County looks at it and says, "This is unethical on
its face." That speaks volumes. Now, the mere
fact that we're here, the mere fact that all of
you are here also is an act of violence against
local control, and it is contrary to existing
state law.

By law state redistricting is not to be done
until after local municipal boundaries are drawn,
and so not only -- not only are you considering
these plans, but you have to consider legislation
to change the law to accommodate your interest in
doing early state redistricting because you're
here doing something that's contrary to existing
state law. So you have to change that law in
order to do it, and you are not under orders to be
here because of any federal lawsuit that has been
filed by former Senator Robson.

There is nothing I am more sure of than that.
You are not under orders to be here because of any
federal lawsuit, and you heard Professor Esenberg
say it himself. The federal courts are very
deferential to legislatures when it comes to
redistricting. I think he actually said very,
very deferential. There's no federal court that's
going to step in and draw district lines before
you get to this if you got to it in six months.
There's no federal court that's going to do that.
And after that claim was made by those two
staffers who appeared before you at the beginning,
after that preposterous claim was made, a former
staffer from the Legislative Reference Bureau
pulled me aside, and he said, "Mike, you should
remind them that an almost identical federal
lawsuit was filed ten years ago, and it was
ignored by the federal court."

You are here under orders for one reason and
one reason only. You are here because you feel
you have to do state redistricting before those
recall elections, and everybody in this doggone
room knows that. Everybody here knows that you
are doing this for that sole reason, because you
feel you have to do this task before those recall
elections because you know that you could possibly
lose total control over the way these maps are
drawn after those recall elections are concluded.
That is why you are under orders to be here, and
that is patently obvious to everyone in this room
and everyone across this state.

Now, yesterday we put forward citizen-drawn
maps of legislative districts, and they're here.
I prepared written testimony, and the maps are
here. If there's a page, they could be
distributd to members of the committee. We wanted to demonstrate that you can accommodate changes in population without doing violence to the basic principle in our democracy that voters are to chose their representatives, not the other way around.

We wanted to show that you could -- that you could draw new lines that accommodate changes in population without drawing at least three of the candidates in those recall elections out of the districts that they would be elected -- that they may be elected to represent.

You can draw these district lines and accommodate these population changes without dividing all these communities. We point to the City of Sheboygan in our testimony, but the same thing is being done in Marshfield, and it's being done in Beloit. West Allis is divided into four different districts. There's no need for that except there's a crassly political motivation, but there's no -- there's no real need.

Now, the districts that we've drawn would leave us with a situation where 80 of the 132 districts in the Wisconsin legislature would have partisan splits of 10 percentage points or less.
80 of the 132 districts would be up for grabs. They would be within a 10 percentage point margin on partisan grounds.

Now, that's saying something because over the last decade the most races we've seen for state legislature decided by 10 percentage points or less has been 29. The fewest we've seen decided by a 10 percentage point margin or less is 10. 132 districts in the Wisconsin legislature. We've seen as many as 29 elections decided by 10 percentage points or less and as few as ten.

What we've created is a map that would leave us with 80 districts out of 132 that have that kind of partisan split. These maps represent a glimpse of what could be expected if redistricting were turned over to a nonpartisan authority as proposed in AB 198, and you should be holding a hearing on AB 198 today, not on these partisan gerrymanders. We go into some detail about some of the things that are done, but I don't think there's a better illustration of what's wrong here than what you find in Racine and Kenosha. We currently have a state senate district that was once represented by a Republican, George Petak, who was then defeated by a Democrat, Kim Plache,
who was in turn succeeded by a Republican, Cathy Stepp, who then was succeeded by a Democrat, John Lehman, who was just defeated in the last election by a Republican, Van Wanggaard.

Under the plan before you there will be no such district. There will be no opportunity for voters in southeastern Wisconsin to change the partisan representation in the legislature in the way that they have over the past years in that area because what's created there is a partisan gerrymander that does create partisan advantage for the Republicans. There's no question about that.

But what it also does is it undermines the ability of voters to shake up the system, to change their representation if they're not satisfied with how they're being represented. There will be no district like that current senate district left if this plan is approved. So what you are fixing to do is nothing but a power grab, and it's as plain as the nose on your faces. And that power grab will dishonor Wisconsin and weaken voters when it comes to their ability to get the kind of representation that they want.

And everything that I've heard here so far
today indicates that there's not going to be any
time taken to see if significant changes could be
made or discussions to be had between members of
the two parties about coming up with some
alternative plan. Everything I've heard here
today is that this thing is going to be voted on
Friday and sent to the floor, and following
Tuesday it's all going to be done.

And to that I can only say that holding
hearings without any intention of listening
disgraces our state too, and that's what I think
sickens the people here today and saddens us all
is that we have not only a process that is
designed to simply facilitate a power grab, but
then we have a sham hearing that is made a part of
that whole process.

You really should be ashamed of yourselves,
and the fact that it doesn't appear that you are
only creates a vivid illustration of the magnitude
of the political mess that we have on our hands
here in Wisconsin. A lot has been done to poison
the well in our state these past weeks and months,
and what this does is it just dumps a big old
bucket of poison down the well and further does
damage. And for that you really should be ashamed
of yourselves.

CHAIRMAN ZIPPERER: Thank you for coming in. After previous testimony a number of the committee members expressed an interest in the partisan background of a couple of individuals who spoke. Would you be so kind as to share with the committee partisan experience that you've had in the past?

MR. MCCABE: I formerly was an aide to three Republican members of the state assembly, June Jarnitski, Earl Schmidt and Bob Larson. I formerly worked for the Wisconsin Taxpayers Alliance so people on the Democratic side would look at that and say, "Well, you're obviously Republican." I have run unsuccessfully for the State Assembly on one occasion. Ran as a Democrat in that instance. People in the Republican side will say, "Well, that clearly makes him a Democrat." With the Wisconsin Democracy Campaign we have filed complaints against both major state parties. We have filed complaints against candidates from both major parties.

Bottom line is that what we've got here is a problem that is -- this is a partisan sham that's being perpetrated, and what it does is it ends up,
one, weakening the power of voters, weakening the
ability of voters to get the kind of
representation they want, and the other thing that
is so important about what's being done here is
that it will, in fact, further polarize our
legislature and our House of Representatives at a
time when the last thing on earth we need is more
partisan division and more polarization. But this
plan will do exactly that.

CHAIRMAN ZIPPERER: Well, thank you
for those comments. I guess I want to thank you
for bringing a map forward. I think just looking
at your map, taking a cursory review, I think it
highlights some of the concerns as we've heard
starting in the beginning with what the
constitutional and legal concerns are. You know,
just looking, you know, at the district that I
represent, the 33rd District, whereas under the
current proposal the 33rd District is entirely
within Waukesha County and is in a pretty compact
district as was noted by Senator Jauch when he
tested, under your proposal, just looking at
this one, the 33rd District spans four counties
and would have whoever is representing the 33rd
driving a considerable amount of distance in a
urban area or suburban.

You know, I think it's pretty clear looking at your map that there are competing demands. The senator mentioned his horseshoe shape district. Under the proposal you put forward it kind of looks like a Pac-Man shaped district here.

It is obviously difficult, as we've seen, to draw the perfect checkerboard because people don't live in square boxes. I do appreciate you taking the time to put a map together, so I guess that's more of a comment than a question. But I believe Senator Erpenbach did have a question.

SENATOR ERPENBACH: Right, couple of things. Picking up from what the chairman was saying, at the very least, just based on the lines, kind of the way I know my state, obviously coming up might be substantially more competitive, which I think gets to the heart of your argument, it should all be about competition, giving the people a choice and making sure that we do have more swing districts than we don't. Is that --

MR. MCCABE: And, you know, one of the things that you have to realize about this map is that in 2010 it was a strong Republican year, and there were 38 Democrats elected to the State
Assembly in 2010. If you look at how people voted around the state and then you looked at those votes cast in the districts we've drawn, Democrats actually would have won fewer races in 2010 in the State Assembly than they actually did under our map.

The reason is because we create a lot of toss-up districts, and there would have been a lot of narrow defeats for Democrats because it was a strong Republican year. I think it's real safe to say that this plan would not be advanced by the Democrats if they were in total charge of state government, but it's good for the voters. And if it were a strong Democratic year, there would be a lot of close elections that would go and tip Democrat.

Because we create 80 districts out of 132, it could conceivably go either way, and so what you'd have is honest competition. What you'd have is voters with the ability to choose whether they want a Republican or a Democrat representing them at any given moment, and we drew lines that didn't split communities the way that the proposed map does that's in front of you.

But, yeah, you've got to make choices. Well,
one of the choices we made is how do you draw a map that respects traditional boundaries to the greatest extent possible that accommodate the changes in population, but how do you create a map that would actually be good for voters. How do you create a map that would actually give them the ability to choose, and you're going in exactly the opposite direction.

SENATOR ERPENBACH: Another question if I could. You said we tend to do legislation based on what other states are doing these days, whether it's Voter ID or Concealed Carry, whatever the case may be. What's going on in other states, and is there a trend that you're seeing in other states?

MR. MCCABE: Well, traditionally redistricting has been, you know, the exclusive domain of legislators, but there are some states that have begun to break that mold. And I guess the pioneers really would be Iowa on the one hand. Now, they use their nonpartisan legislative service agency, which is very much like our Legislative reference Bureau, to draw the lines. That's one model. That's the model that's really embraced in AB 198. You don't have to go far to
see it work.

Now, Wisconsin has eight congressional districts. There has only been one, and that's the 8th in the Green Bay area, that has produced more than one election in the last decade that was decided by 10 percentage points or less. There have only been I think three districts, three congressional districts, in Wisconsin that have ever produced an election within 10 percentage points within the last decade. The 8th is the only one that's done it more than once.

So if there's a competitive district that can consistently be considered competitive in Wisconsin, it's the 8th out of eight districts. In Iowa there are five congressional districts, and four are routinely producing elections within 10 percentage points. To me it's -- you know, it's very clearly the result of a process that handles redistricting in a very different way than it is handled here.

Our states are not terribly different demographically, not very different than other states in so many other respects, but yet they've got four out of five districts competitive, and we've really got one out of eight. So Iowa is one
model. Arizona really was the pioneer in creating an independent redistricting commission, a citizen commission that would handle redistricting. California has just gone in that direction. New Jersey kind of has a version of it in place. I'd be happy to go back and -- I didn't know this question was going to come up in the hearing today or I would have come equipped with a list of all the states, but I'd be happy to supply that.

SENATOR ERPENBACH: Are states moving away from legislators drawing their maps?

MR. MCCABE: Well, it's not like they're all rushing in that direction, but, you know, it's been an exclusive legislative domain, and now some states are moving in the opposite direction. They're saying, "Wait a second. We've really got to find a better way." Wisconsin used to be a pioneer in so many public policy areas, and now we just seem to want to follow the -- you know, follow the crowd.

So I would say that even if we had to stand alone, we should do redistricting in a better way, and there is a better way to do redistricting. But we could model ourselves after an Iowa or after an Arizona. California is now going in that
direction, so the trend is toward trying to find
different ways to handle redistricting. And
California's is brand new just for this round of
redistricting.

So we're going to see more states moved in
this direction. I hope that Wisconsin will give
serious consideration to move in this direction
because we can do better by voters than we've been
doing. And we can certainly do better by voters
than what this plan provides.

CHAIRMAN ZIPPERER: Representative
Bewley.

REPRESENTATIVE BEWLEY: Thank you.
I want to thank you for your comments because
you've done a couple of things. Number one, you
have given us reason to believe that we can have a
discussion of this process because just in the
past -- here we are 3:30, 3:26, something, and it
feels like we're having a discussion about how
redistricting is done, and I appreciate that
personally.

Also, you've described quite well that we
have to discuss, if we're going to be true to what
it is we came here today to do, to discuss both
the process and the outcome, and also the third,
the purpose of this meeting here today. And I want to thank you for illustrating that quite well, that there are three distinct ways to look at our reason for gathering here today.

But finally I think that it gives us all the more reason to realize and deeply understand that we need more time, that you have given us another opportunity to look at another map, the first time that we are seeing more suggestions of maps. Today we've seen Fitchburg and a few other places that have illustrated very specific, very solvable situations, and I think that you're pointing out that we would be remiss if we ignored what we have heard today with the requests that we have heard, very specific requests.

Please help us follow what our constituents have said, what our local communities have said. Let us get it done the correct way, but I -- I repeat. We need more time.

MR. MCCABE: And one of the things I'd like to say is that I'm not saying that our map is perfect. First of all, people need to realize that we've pulled this map together in a matter of days, and we did it really with one hand tied behind our backs because we didn't have
access to all of the data that the legislative map
drawers have.

It's true the census data out there, it's
been out there for some time, but we didn't have
all the data that equipped us with the same tools,
and in a matter of days we pulled together a map
that does create a far more competitive landscape
for Wisconsin. Now, Senator Jauch would not like
our map because we also take Sawyer County out of
the 25th District.

Senator Zipperer doesn't like our map because
of something it does to his district, and that's
always going to be the case. There are going to
be decisions made. Senator Jauch won't like
something. You may not like something, but I
guess the point I would make in closing is that
we're not suggesting what we've got is a perfect
map, but with time and with all of the data, there
is no doubt in my mind you can create a more
refined, more detailed map that would be even
better, that would improve upon the work product
that we've put before you.

But we had a hearing called for today, and we
found out about redistricting being unloaded on
the State of Wisconsin last Friday. And by the
way, more than a week earlier we filed an open records request asking for all of the data, all of the information about redistricting and the maps that have been developed. We're still waiting for a response to that open records request.

And I have to say that the message that's being delivered here is that this legislature seems to feel that open meetings laws and open records laws do not apply to the legislature, and that's offensive. Over a week before this was dropped on the state of Wisconsin we have filed an open records request asking for all of this. It could have been e-mailed to us in 15 minutes, and we're still waiting for a reply. Well, of course, we don't need one anymore because it got dropped on us, and we had to try to respond to that by a Wednesday hearing.

I think what we've put together is as detailed and as refined as you could possibly expect citizens to accomplish in such a short period of time, and I know if I had had an opportunity to hear what Senator Jauch had to say about Sawyer County, of course, there are different decisions that could be made. But my goal would still be to produce a map that could
get close to having 80 districts or 70 districts
or 90 districts out of 132 where you could have
toss-ups, where you could have voters in a
position of being able to choose the
representative of their true choosing.

CHAIRMAN ZIPPERER: Other
questions? Thanks. Dan Thompson, League of
Wisconsin Municipalities, speaking for information
only, and on deck is Representative Penny Bernard
Schaber. I guess we had a request. David
Colander (phonetic) of the Wisconsin Counties
Association wanted to testify with the League.
Are either of them still here?

FEMALE SPEAKER: They're not here
anymore.

CHAIRMAN ZIPPERER: Okay. Then
Representative Penny Bernard Schaber. Welcome.

MS. SCHABER: Good afternoon.

Thanks for letting me get back in line. I think
redistricting is a very important process that we
have to go through on an every-ten-year basis. I
think it's essential for the State of Wisconsin to
have a generally nonpartisan redistricting
process. I was here this morning, and I came in
because I really oppose SB 150. I believe SB 150
that changes state statute to change the process
and the sequence is the wrong way to go. I do not
think you should be doing that.

Normally the counties and municipalities are
the governmental agencies that do their lines
first, and I believe we should stick with that
process. I'm opposed to changing the sequence
because I believe it's essential to maintain the
current sequence and allow counties and
municipalities time to finish what they've
started. They've spent quite a bit of money
already. They've been working through this very
hard and very diligently in my area trying to do
what's right for the Fox Valley, and I believe we
should let them try to have time to finish that.

There is no good reason to reverse the
sequence and to speed up the process. I was here
this morning when the first speakers spoke, and
they said that there were amendments out there.
They said that they wanted to hear from the
constituents, and they wanted to have a discussion
about redistricting. I was here for two hours
this morning. I left because I had meetings, and
I'm back.

And I'm kind of hearing that there really was
not a discussion about this, that it was basically dictated and has been already decided. And by looking at the timeline before us, I believe it's already been decided, and I don't think that's the way we should do business in Wisconsin. So I am here to say I oppose SB 150, and I would like us to slow the process down and do it correctly. Thank you.

CHAIRMAN ZIPPERER: Thank you.

Thank you for coming earlier and coming back. Any questions? Thanks. Up next, Doug Miering (phonic), Baraboo, Wisconsin, speaking against and followed by Laurie Compass (phonic) of Fort Atkinson.

FEMALE SPEAKER: Laurie had to leave.

CHAIRMAN ZIPPERER: Okay.

Mr. Miering? How about Christine McDunna, Sun Prairie, speaking against? Welcome.

MS. MCDUNNA: Hi. Most of the points that I wanted to make were already made by previous people that were testifying. I'm here to testify against all three proposals. I think it undermines our democracy. I don't understand how the Republican party can do this to our state, and
I don't think anybody's brought up the fact that this also affects Shawn Duffy, the congressman's district, and this will give him an advantage in the next election as well.

So there was a statement that Luther Olson had made, was saying that every time redistricting comes up there's always a call by a minority party for a bipartisan solution. If that's the case, I think that you should really go back to the table and come up with a bipartisan solution. I think we need a third party to decide this, and I think you should all be ashamed of yourselves. I really do.

And just so you know, ALEC has just had all the legislation, model legislation, has just been dumped on the Internet. So now people are going to be able to compare what you're doing here to the legislation that's being put in all around the country, and it's coming from Washington D.C., and it's coming from ALEC, and it's coming from the people that these Republican leaders here went down and received money from right after all the protests this winter. Thank you.

CHAIRMAN ZIPPERER: Any questions?

Up next, Miles Christen (phonetic); Madison,
Wisconsin, speaking against.

MALE SPEAKER: He had to leave.

He'll be back, though, I'm sure.

CHAIRMAN ZIPPERER: Steve Taylor, Franklin, representing the City of Franklin, speaking against.

MR. TAYLOR: Good afternoon. Thank you, Mr. Chairman. My name is Steve Taylor. I'm the Common Council president for the City of Franklin. Although it's a nonpartisan position, I am a Republican and have been for, well, since I was 18 and could officially vote. So I'd like to prepare more maps. I'll have something that I can present to you, but I didn't find this out, like everyone else, until about 10:30 on Friday reading the Milwaukee Journal Sentinel, which is one of my least favorite newspapers.

But I did find the maps and started making some phone calls, called my state representative, Jeff Stone, who I pretty much informed him what portion of Franklin was removed from his district. In 1994, when I was a senior at Muskego High School, I came up here to -- kind of a shadow day and spent the day with Kathy Krosnicki, who was my state representative. I always looked forward to
coming to this building because I just loved the atmosphere. And now there are times when I see it on the news, and I just don't recognize it anymore. It's not -- it's not a place that is as friendly as we've seen in the past.

As a city, we've followed, and have been, the guidelines for adjusting municipal wards. Found the 2010 census that's dated March of 2011, State of Wisconsin Legislative Reference Bureau. I'm sure everybody's seen it. That's what we've been using for weeks and months. Local control is something that's been mentioned time and time again. I'd rather have more to say than have Madison deciding what's best for us.

I know many municipalities spent the time and resources to adopt municipal ward boundaries. My concern is here, why I'm here today, is basically for the City of Franklin. The maps are very colorful. I've been here since 10 o'clock. I had to run back to the other side of the state, but that's all right. It's worth it. The city clerk, Sandy Waslowski, has spent weeks working on the Franklin six aldermanic districts, which were actually broken down into 23 wards. What makes it more difficult is the fact that Milwaukee County
added another supervisor to our district, and you can't cross county supervisor lines.

Our tentative map was approved. The city clerk drafted the entire thing. She basically sat in her office, worked up everything as best she could and brought it to the Common Council, and we approved it potentially July 5th. We have a public hearing August 2nd, but meanwhile the map is not only on our website, it's at City Hall, it's at the public library. So it's available for the public to see, and it will be at the public hearing.

I made it clear six alderman, and I'm around City Hall more than most, so I made sure that my number-one goal was to keep the district lines as similar to possible as they currently are in order to avoid voter confusion, and this also should be the goal of the state legislature. Assembly districts should be kept compact and observe the community of interest and existing neighborhoods when possible.

Now, the proposed boundaries between the 21st District and the 82nd District I don't believe observe the best interests of the community, that being Franklin. Now, I probably know more about
the City of Franklin than anybody in this room. I see Doug Wheaton sitting right back there, and I know he's a Franklin guy. So he may know a little bit also, but no one knows about this area that I'm going to be talking about.

Now, I'd love for the city to be completely in the 82nd District, and I know with the City of Milwaukee's population not growing as fast as its suburban communities, that that's not possible. But what's been done is they've pretty much taken the center of Franklin's eastern border and carved it out, maybe taken it from the corner to the north and the south, and that's why I'm here.

Now, we are unique. We do have three school districts in Franklin. So we're not the only one. Fitchburg, I heard that, news to me, but I know we are also unique. I don't think there's probably a lot of them. We have the Whitnall School District, the Franklin School District, and the Franklin-Oak Creek School District. Now, Franklin has six miles of land that borders Oak Creek. Only five blocks along this current six-mile stretch falls in the Franklin School District, and that's what's being drawn out.

That's what's being proposed to be shifted to
represent that district. The school lines are literally drawn in the school's backyards. They're not written on streets. They're written in backyards of people's homes, and that was from a deal cut back in the fifties over bussing, so just never were sunset, just a portion that jets out.

My proposal, which I am going to ask Senator Lazich to bring as an amendment, would basically keep -- just shift the district boundaries to the north, which would take out this very confusing area. So I would really like to see -- I'll hand out -- is there a page here to pass out -- I thought based on the Internet that I was going to come before five senators, and I didn't realize -- so we can just pass it around. And I did leave copies for Senator Lazich, Representative Stone and Representative Honadel. This would basically show what the new wards would be in Representative Honadel's district.

Now, the current proposal has 2,495 residents. What I'm asking the change would be 2,475, so it's very minimal change. I understand if I was sitting here asking for a rippling effect to go throughout the entire state that would be a
pretty tough stretch, but this is something that's contained in two districts that border each other. Like I said, I know this area very well, and, you know, when you talk about equal population, I've tried to do that.

I sat over the weekend and all this week with the city clerk trying to figure out what's the best way with least amount of border confusion to make this work for the voters and to kind of keep community interest; and so as a result of this change, the wards remain relatively constant; the administration elections is more simplified; and the other thing I think is also important, also border confusion minimized.

That's really all I have. That's what I'm looking for from this committee. I've been here throughout the testimony. I'm not going to get into it. I've heard things I can agree with on both sides and definitely disagree with on both sides, but, you know, I'd much rather be coming here for a different reason.

It was nice to be here on January 3rd for the inauguration; but when I saw these maps knowing the area that I represent, knowing the area so well, Franklin School District that jets out, and
you can go to the website and you can look that up, and I left a map for Senator Lazich to see. But it is a very confusing area. Any questions?

CHAIRMAN ZIPPERER: Thank you for your comments, and also thank you for bringing forward a concrete map proposal for the committee to consider. Representative Danou I believe has a question.

REPRESENTATIVE DANOU: Yeah, I guess maybe this is beyond what -- I suspect your position is have you talked with some of the neighboring communities there? Is that a problem for other communities in your area with the way things -- with the way these maps are being dropped out as opposed to having you guys have the ability to draw your ward lines and things and then have the State base its maps upon those? Is this going on in other communities in your area as well I assume that you've talked with?

MR. TAYLOR: Yeah, I mean, I talked to different -- being involved with campaigns and elections for 20 years of my life, I got to know a number of people here in Madison, so I started making phone calls and getting some of that similar feedback. You know, the rules that
Franklin -- and I'm concerned about the City of Franklin. I understand you guys have a whole state to deal with, but I'm concerned with the City of Franklin.

We have been following guidelines that were established that you guys basically passed saying you guys do yours, and then we'll bring ours in. And now what this has done is obviously --

   REPRESENTATIVE DANOU: Flipped them upside --

   MR. TAYLOR: Flipped them -- well, those are your words, not mine. But it's made it a little more difficult for us and especially when I see something that just does not -- the city sees something that just does not work well.

   Like I said, if there was a rippling effect, if this had a chain reaction and is going to start screwing up everything, I probably wouldn't have taken the time out of my day to come here and left work and canceled a bunch of things because I didn't think I'd be here all day, but it's something that needs to be corrected. And I think it's minimal change. As Representative Honadel said it looks pretty simple considering the population is only 20 different, 20 people.
REP. DANOU: I would guess it's a safe assumption that this may be an issue across the state, so I guess, you know. It might be great -- it will be great if we can fix it for you, but I think we owe it to our constituents across the state to avoid this happening, Wausau, Stevens Point, Merrill, goodness knows. And I guess that I think would be the point.

I would think that would be anybody's local government. Fisher would ask us to try and respect all of those local government officials across the state, whether they be Franklin or Stevens Point or wherever.

MR. TAYLOR: Well, there's 1,851 municipalities, so I suppose there's other people in my position that are having these types my concern. My concern is the city that I represent, the 35,000 people that live there. We heard from a gentleman at some point today talking about West Allis. Plus, I read that in the paper. There's a reason for why things are done, and I understand that Milwaukee, you know, the population is shifting geographically. The size has to get larger, and it's a matter of time when it...
continues to approach Franklin.

20 years from now it could be the same thing, but you've got a district which one city of 35,000 has been in the 82nd, and now you're just going to take this little bit. And when you look at the map, why are we carving in the center of this border instead of from the top working your way down? We've had the problem we can't cross these supervisor boundaries. Then you've got these three school districts. Very difficult for us with the map, as we heard the Fitchburg mayor talk about trying to get their district to be a certain way, but that's their problem. I'm looking at the City of Franklin. And hopefully they'll be able to solve theirs also, but I've got to worry about the 35,000 people.

CHAIRMAN ZIPPERER: Thank you. I have just one question, and then we'll go to Senator Erpenbach. Do you know -- you mentioned the population deviation. Do you know, does the changes -- you mentioned it being 20. Does that bring it closer to the standard assembly districts or further away from the standard assembly districts? We can go back and check. I'm just asking if you know it off the top of your head.
MR. TAYLOR: There was a point this weekend -- no, I do not know, but there was a point this weekend where I did see all the numbers. I couldn't find out where I located it, and I did see in the assembly -- or the senate bill that showed the city -- the district with the most population and the least, and this was neither one of those.

I want to say it was a very close, if I recall that, but I don't have those numbers. I was trying to have those numbers so that I could but --

CHAIRMAN ZIPPERER: Well, we'll look at it. Thanks. Senator Erpenbach.

SENATOR ERPENBACH: Yeah, thanks for coming out, and I know that you've got to be concerned about Franklin because that's what you got elected to. There's a lot of Franklins all over Wisconsin, and I wish the League would have been here to testify because I would have been really curious to hear what they had to say.

Two quick questions for you. How do you feel about the legislature drawing this map and then changing laws saying, "We can draw our maps first"?
MR. TAYLOR: Well, that -- that has been an issue that I've had reading the articles and reading the bill. And, I mean, I think I even highlighted some of the language, which is basically saying, "We're going to change the law to make sure what we're doing is legal."

You know, if the Democrats had the majority, I can't -- I wouldn't -- I'd be shocked if they weren't trying to create advantages for themselves. I would think that would be the case.

SENATOR ERPENBACH: Right.

MR. TAYLOR: You know, I recall at the end of the last administration certain union contracts and issues trying to be shoved through at the last minute, so that's politics. And unfortunately sometimes it's the citizens that kind of get pinched on this because that's what we're here for. I think all you guys know that.

So both parties I would say would do this all the time. I was as frustrated as anybody watching what was going on in Madison in December when they were trying to pass these contracts because the new governor, Governor Walker, and the majority now shifting. So creating laws to -- you know, when we've been playing with old rules the whole
time, this should have came up right away saying, "This is how we're going to do it. Don't waste your time. Don't spend your resources. Don't spend your money." And then, you know, we'd be sitting here waiting. This is how we've always done it.

SENATOR ERPENBACH: I understand how you feel about contracts, but sticking to redistricting. In 2000, the Democrats had lawyers, and the Republican had lawyers. In 2010 the Republicans made the Democrats fire their lawyers, so just the Republicans in the legislature are the ones with the lawyers now drawing the maps. The Republicans are the ones in the legislature now who drew the map and are coming up with law changes as we go along to take away the local control.

Now, to me if I'm you, doesn't matter what party's in control, what advantage. The fact is we told you to do something, and you did it, and you did it properly, and municipalities and counties all throughout the state are doing it properly. Now we're coming back in and saying, "Okay, thanks, but you've got to do it over again."
So to me the issue of local control on this particular thing that we have to do once every ten years, I can see how it could be pretty frustrating. Your clerk put a lot of time in drawing your lines you said.

MR. TAYLOR: Uh-huh.

SENATOR ERPENBACH: What's going to happen now? She has to redraw them. How much time to put into it?

MR. TAYLOR: Yeah, I would imagine that she would -- yeah, she would have to redraw the lines based on what the assembly -- what the legislature does, and so she'll go back to the drawing board. And I know that for a couple weeks straight every time I was in City Hall that's what she was working on. I kept on saying keep everything -- and if you go and you look at our city website right now, look at how our current boundaries are and look at the new boundaries that we are going to pass in a couple weeks, you will see that they're almost identical. We did everything possible to try to keep things similar.

Now, I know we don't have the type of population shifts that the rest of the state has, so it's a little bit easier for us. In terms of
local control, I do believe that the City of
Franklin and the government that's been elected by
the people know better than here in Madison. Just
like you guys know better than Washington D.C.
what's in the best interest of 5.7 million people.

So, you know, I'd rather I guess, you know,
have the say, and then you guys kind of overlap
it; however, I don't have that choice. I don't
have that authority, and I'm asking that we make a
change that is good for the City of Franklin. I'm
sure if every community, if they're as simple as
ours, it shouldn't be that difficult a request.

SENATOR ERPENBACH: Well, again, I
want to thank you for taking the time to come
down. I know it's a pain in the butt to do this
on short notice. I know that there's a lot of
others around the state who are in very similar
situations. I hope we can fix yours, and I hope
we can fix everybody else's too.

MR. TAYLOR: Well, I tell you, I
enjoy being here. I was a Political Science and
Public Administration major at La Crosse so --

SENATOR ERPENBACH: Then you like
this stuff.

MR. TAYLOR: I was an alderman at
21, so I do enjoy it. Thank you.

CHAIRMAN ZIPPERER: Up next, Mary Jo Walters of Madison speaking against, and on deck would be Satya Rhodes-Conway of Madison speaking against.

MALE SPEAKER: Mary Jo's not here.

CHAIRMAN ZIPPERER: Mary Jo's not here. All right.

MS. RHODES-CONWAY: Thank you, Mr. Chair. Thank you, Senator. My name is Satya Rhodes Conway. I'm privileged to live in Senator Risser's district. I'm serving my third term on the Madison City Council. I've also been appointed to Madison's Redistricting and Reapportionment Committee, so I understand completely the complexity of what you are being asked to look at and the complexity of the work that your staff were asked to do.

I also understand, based on my experience on that committee, that there are many ways that you can draw the lines in a redistricting and reapportionment process. I'm not here to talk to you about maps, however. I do want to make it clear that I am representing myself. I was not paid to be here, and no one asked me to be here.
I'm here to speak against the changing of the rules for local governments in the redistricting and reapportionment process.

And I want to speak on the basis of what I believe is one of the core principles of conservatism, and that is local control. And I want to tell you a little bit about the process that the City of Madison has gone through working on redistricting. We started in January with the appointment of a committee, and we have had more than 12 meetings. Every single one of which has been open to the public, and at every single one of those meetings there has been a chance for the public to testify on the issue before the committee.

We have gone through more than 14 versions of our maps. All of those maps are available on the city website, and they're available for public scrutiny. And we have had multiple citizens work with those maps and present their own plans to us for our consideration. We've had dozens of citizens come and testify. Three of the meetings we had were public meetings, not public hearings, just simply community meetings that were there to educate the public and allow them to share with us
what their priorities were and what their concerns were in the redistricting process.

    We've spent many, many staff hours on all of this and many, many volunteer hours as well. We have not yet had our formal public hearings as required in the process that we thought that we were working under, and we have given notice for the first one. And I have to say I am very uncomfortable at having put out one set of maps that we have noticed as a public hearing and being in a position where we may actually have to be considering another set of maps. I don't feel it gives our public ample time to prepare their testimony for us. I think that's an unfair position to put the public in.

    And throughout this entire process the concern for the committee that is doing redistricting for the City of Madison has been to respect communities of interest. As you all know, there are a series of things that we are legally mandated, legally and constitutionally mandated, to consider. We have to consider compactness. We have to make contiguous districts. We have to consider the population balance between the districts.
We also have to consider communities of interest, and that is where we spent a tremendous amount of time. How do we identify those communities of interest, how do we keep them within districts whenever possible and respect that, and we spend a lot of time listening to our citizens about what they thought communities of interest were.

And, frankly, I'm sorry to say to you that I don't think you all know what the communities of interest in the City of Madison are. With the possible exceptions of the Dane County Delegation, Madison Delegation, I don't think there's anybody in this building that is qualified to say that they know what the communities of interest in the City of Madison are better than the committee that was appointed to do it in the City of Madison.

It's very hard for me to consider all of the work that we've put in and the many hours that we poured over all of those census blocks trying to respect those communities of interest and now being asked to go back and essentially redo our process in a way that may not be able to respect those communities of interest.

I also want to speak to you about the costs
incurred by the City of Madison. I have not had
time to get from staff an estimate of an actual
dollar amount, but I know just based on the
14-plus versions of the maps that we've had them
create, that they have spent hours and hours and
hours on this process, and that does not come free
to the City of Madison. Fortunately, the citizen
volunteer time does come free, but I think it
would be disrespectful to not acknowledge the
amount of work that those citizens have put in and
that they could have been doing something else
during that time.

Going forward, however, perhaps more
importantly, this will cause the City of Madison
to incur more costs if you pass what is before you
today. Firstly, there is the cost of continued
staff time to look at the places where we will
have to change our maps based on what you pass.
And I again cannot estimate what that is going to
be, but I know that there will be a cost to that.

But perhaps most importantly is the continued
cost over the next decade of adding 12 potential
additional wards, six of which, by the way, are
too small, and having for each of those wards an
additional polling place, needing to get
additional equipment to conduct elections in those polling places, needing to pay election workers in those polling places, and this is for every single election for the next decade that you are asking us to incur those costs.

And, frankly, our budget can't take that, and it's an unnecessary cost. And I think that if you would let us finish our district lines and finish our ward lines, we have tried very hard to reduce the number of wards that we have to get polling places that both meet all of the legal mandates and are actually accessible to communities of interest, make it easier for people to vote, adding another 12 polling places, gives us the additional cost and also I think just kind of throws our entire list of polling places and wards into a little bit of chaos that we will have to find a way to deal with.

So in conclusion, I would be happy to answer questions, but I really urge you to reject what's before you today, to please respect local control and don't change the rules in the middle of the game and let municipalities finish before you move forward with your redistricting process. Thank you.
CHAIRMAN ZIPPERER: Any questions?

Senator Erpenbach.

SENATOR ERPENBACH: If we move forward, which I agree with you, hope we don't, but if we move forward, there's no point in having a public hearing on that map; is there?

MS. RHODES-CONWAY: Not really. We will have to change it in at least 12 places, and, frankly, some of the places I don't know how we'll change it. We could in some instances just create a new ward that would respect the various lines that are being imposed on us, but at least one of those two wards would contain 31 people.

SENATOR ERPENBACH: That's a lot of power in one ward. Let me ask you another question because if you don't postpone it and you do -- and you have the hearing but you do it on a new map, is that a violation of open meetings laws because you haven't posted?

MS. RHODES-CONWAY: I believe it would be. I actually went and asked our city attorney for a different situation. We left a few polling places up in the air when our committee passed the ward and polling place plan, and there's a few of them that are in my district that
I wanted to explore, could we get a better polling place. Of course, that requires in this case going to the library and asking them would they be willing to be a polling place, and we weren't able to get that answer.

And so I went to the city attorney and said, "Can we just have a substitute here that includes these new polling places?" And he said, "No, we can't, because we've already noticed this list with these wards that didn't include those new polling places, and I don't think that it would be appropriate under meeting law to do a substitute."

You can introduce an amendment at the meeting, and I intend to do so, but he would not let me do a substitute in advance of that meeting. We may have to do a whole other set of notice and meetings in order to respect the open meetings law.

SENATOR ERPENBACH: Now, you did this with citizen volunteers and so on, and you did it late spring, very, very early summer, I take it, right?

MS. RHODES-CONWAY: Yes, that's correct.

SENATOR ERPENBACH: Two questions.
Would the same citizens have to serve on whatever committees under the new map or would you be able to go out and get new citizens to do this, and would it be difficult because it's summertime?

MS. RHODES-CONWAY: Oh, gosh --

SENATOR ERPENBACH: Or you could just go down to Memorial Union. "Yeah, let's draw a map, yeah."

MS. RHODES-CONWAY: No, I expect -- I mean, there's a number of ways that you could go. I expect what the counseling committee would choose to do would be simply to ask our existing committee to keep meeting to deal with this issue. We had thought that we might have one more meeting of that committee. If this goes forward, I anticipate multiple, more meetings of the committee to address to deal with the issues that are raised.

SENATOR ERPENBACH: Thanks.

CHAIRMAN ZIPPERER: Representative.

REPRESENTATIVE BEWLEY: Thank you.

All the people that you're talking about that are working these, are they paid?

MS. RHODES-CONWAY: No, we have -- on the redistricting committee itself I believe we
have three citizens who are not compensated in any way for their time, and we also have -- they're not official committee members, but we have a number of citizens, three or four citizens, that have been at almost every committee meeting, so I consider them volunteering their time as well. And several of them have offered maps offering their time as well.

The City Council members that serve, there's four of us, we receive a minimal remuneration for our services to the City Council as a whole. That does not cover costs, let's say, and then the citizens who have come -- dozens of citizens that came to our -- both our committee meetings and then the public meetings that we had, none of them, of course, were paid in any way.

REPRESENTATIVE BEWLEY: So these are citizens who are truly and in good faith participating in a process that they think will have some integrity in the outcome?

MS. RHODES-CONWAY: Yes, and honestly, Representative, all of us thought we were following the rules. We looked at the same document that the previous gentleman held up and said, you know, This is -- this is what the State
told us to do. We tried very hard to follow the 
rules. We tried very hard to lay out what our 
principles were and to follow our process 
correctly and have open meetings and public input, 
and all of the citizens that have come forward 
were operating under that same assumption. 

Now, I do honestly feel, Representative, that 
the rules are being changed in the middle of the 
game, and I'm on the playing field trying to 
figure out who's ref'g and what rules I'm supposed 
to be following.

REPRESENTATIVE BEWLEY: Well, too, 
of course, you know you are from a local 
community. You are from here. And the fear that 
many of us have is that there are countless 
communities out there who have, like you, 
participated in good faith in a process that they 
felt they could have faith in and indeed are now 
going to be told that not only have you wasted 
your time, we're going to do it right now for you, 
and then you have to follow our rules.

And I don't mean to put words in your mouth, 
but my district is not here. They can't come. I 
mean, there's no time. I don't know. I can't ask 
you to speak for them, but do you feel working in
the role that you do that people like you
throughout the state are being served?

    MS. RHODES-CONWAY: Representative,
I don't feel they're being served, and I have to
say that I consider myself lucky not only that I
am physically in Madison able to be here but also
that I have the kind of employment -- because I do
have a full-time job which I am not at today. I
have the kind of employment where I can take a
day. I missed at this point three conference
calls and one meeting that I was supposed to be
on, and I'm fixing to miss another one.

    And I consider it worth it because I think
redistricting reapportionment is one of the most
important things that any government will do in
any given decade. So I feel like in order to
serve both my constituents of the 12th District
but also the entire City of Madison, I needed to
be here and tell you all the impact that you have
on us and our process.

    But I fully recognize -- and if I were in any
of your positions, the thing that I would be most
concerned about at this point is the fact that
there are many, many people exactly the same
situation as me that were not able to get here or
were not able to spend the hours that I'm spending in this room waiting to be able to testify.

And as somebody from local government, and we are nonpartisan, we're not elected on a party basis in the City of Madison, and, you know, I kind of expect things to be partisan at the state level. But I wish you would understand the impact that you're having on local governments by doing this, and I think that you do all of the local governments in your districts, each of your respective districts, a disservice by moving forward this quickly because we have been working in good faith. We have tried to follow the rules. We're trying to come up with the best map possible for our communities, and each community has a different version of what the best map is and what the principles -- within the letter of the law what those principles are that we wish to hold up.

In the City of Madison, we chose to look at neighborhoods and elementary school attendance areas as communities of interest. In the City of Fitchburg, clearly they had different priorities that were important for their consideration. The City of Franklin similarly had a different set of priorities. I expect if you went and asked all of
the hundreds of municipalities in this great state, that each one of them would have a slightly
different version of what was important to them.

And I think that not honoring that, not letting the municipalities go first and then laying the state lines over that, that really does a disservice to the process and is frankly insulting to local government.

REPRESENTATIVE BEWLEY: Thank you.

CHAIRMAN ZIPPERER: Senator Risser.

SENATOR RISSER: I know you're in your hurry. Just a comment. I appreciate your work on our city council and all your work on this program, and, you know, time could be more valuable than money. You've been here for six hours, and we appreciate it. And I think you've sent forth a message which is very true, and I hope the rest of the committee listens to it. Thank you.

MS. RHODES-CONWAY: Thank you very much.

CHAIRMAN ZIPPERER: Any other questions? Thank you.

MS. RHODES-CONWAY: Thank you very much, Mr. Chair.
CHAIRMAN ZIPPERER: Any other questions? Thank you. There has been discussion about how much input would be available. I want to make clear to everybody obviously here who may not wish to speak or folks watching on the Internet at home or on WisconsinEye, you don't have to be here to have input into the process. You can contact either of the co-chairs by e-mail, by phone, by letter, and all of the documents as have been stated are available on the Internet for review at home and in your offices.

Up next, Ted Voss -- I'm sorry, Ted Voth, Junior, speaking against; and on deck, Arthur Cole Biggs (sic) of Madison speaking against. Okay. How about Joanne Brown, Madison, speaking against. Oh, I'm sorry, Arthur?

MR. BRIGGS: Yeah.

CHAIRMAN ZIPPERER: Arthur Cole Biggs; Madison, Wisconsin.

MR. BRIGGS: Briggs.

CHAIRMAN ZIPPERER: Briggs, I'm sorry, speaking against.

MR. BRIGGS: I thank you for having this hearing, but like other people so far have already pointed out, it's arbitrary and pointless.
Everyone could say what they think about it, and you're not going to listen to the changes that they propose. We're in extraordinary session right now or we're about to be. I don't know why I was sitting in on the assembly organizational committee meeting, and I think -- forget whose justification it was for extraordinary session, but the same things that those two Fitzgerald staffers were talking about earlier today where they used the justification that "We've done it this fast before; therefore, we can do it this fast again." 1983 situation where it is to the day same type of timetable on which Risser has pointed out just isn't the case. The maps were actually introduced during the budget proposal, budget process, and people had time to look at them then.

And then the other justification for why we're doing it so quickly was this lawsuit, this federal lawsuit. If federal lawsuits or any lawsuits were concerned for this administration, I think a lot of things in the past several months would have been handled very, very differently. I think the capitol -- there's something about the capitol being closed to the public for a really
long time, but that's beside the point.

So there's a lawsuit, some retired legislator
who's asking you guys to do something, so you're
changing the rules -- there's a law on the books,
right? There's a law that says local
municipalities draw their lines, and then the
State comes in and draws their lines responding to
the local municipalities.

There's a lawyer in here who talked for,
like, 45 minutes about all the ways that we
shouldn't challenge these bills or these maps, and
the judges won't be able to -- or shouldn't and
won't do anything about it. I think he said
municipalities are the building blocks of these
maps. Normally you don't cut bricks in half and
try to build a solid foundation. You don't cut up
municipalities into separate districts and then
hope that after they do a lot of work, and they're
spending a lot of time and money doing this.
They're following the rules -- here, okay. I got
a -- I can't make motions.

That's not my place, but I'm going to make a
motion. How about I motion that we try to follow
the laws?

MALE SPEAKER: Second.
MR. BRIGGS: It's been seconded. Follow -- there's a law on the books right now, and we're not -- we -- we -- we've -- the senate and -- the senate and assembly have met, and they are meeting in extraordinary session. You're going through a process right now hoping that you change the law. I mean, no, not hoping. You know you will change the law because you have every -- you know you will because you have the votes. You're not changing the law because it's right or because there's overwhelming constituent pressure to change this law because we really need these district maps now. No, you're changing the law because you know you have to to get this done before the recalls. Now, I don't think there are any children here. That's bullshit. That's unacceptable. You can't do that.

If you -- you're going to do it. You're going to try to do it. You're going to push it through. You will have overwhelming opposition. This is unacceptable. This isn't a threat, but I guess get ready because -- thanks.

CHAIRMAN ZIPPERER: Okay. Any questions? Up next, Joanne Brown; Madison, Wisconsin, speaking against; and on deck,
Jean Wulf, City of Janesville, speaking for information only.

MS. BROWN: You know, I was going to speak about respect earlier. First I was going to speak about respect for the work of the local governments, and my initial comment was that I condemn the disrespect the majority party shows to the work of the citizens of Wisconsin. Hundreds of -- thousands of Wisconsin citizens have taken part. Thousands of Wisconsin citizens -- please pay attention. Thousands of Wisconsin citizens have taken part. Please pay attention, Chairman Van Roy. This -- this -- Senator Kedzie --

CHAIRMAN ZIPPERER: Ma'am, please address the entire committee as a whole.

MS. BROWN: I am trying to. I'm trying to have the whole committee pay attention to me while I am trying to testify to the committee. This is part of the respect, the respect for the citizens of Wisconsin that we are not seeing from this Republican legislature. Thousands of Wisconsin citizens have taken part in the work of redistricting following the existing state law. Now you want to throw away the hard work of these citizens. The majority parties
should be ashamed of this, and I also wanted to
comment on two statements made by Esenberg.

First he answered Representative Ballweg's
question about whether local wards were subject to
the same standards for representation. He said,
"Why, yes, they are, because supervisory wards and
aldermanic districts are the building blocks of
legislative districts." The building blocks of
legislative districts. SB 150 turns this
fundamental tenet of election law in Wisconsin
upside down. The building blocks of legislative
districts. This is your expert.

Second, Mr. Esenberg opined that Wisconsin is
on the brink of having a legislatively re-drawn
redistricting plan. I beg to differ. As the
speakers and senate majority leaders, chosen
representatives themselves, testified, the
redistricting plan was drawn by themselves with
two staff members, a legal team, and then
finalized by two brothers.

This is not legislatively drawn unless you
are all willing to admit that you have seated your
legislative privileges to Representative
Fitzgerald and Senator Fitzgerald. Is that what
you want to do? Have you done that? It seems
pretty clear. The person who came in here from  
the Franklin City Council was only talking about  
the Franklin City Council, and he said there's a  
reason for why things are done.  

I am really confused. What are the reasons  
for the redistricting, the way it has been  
redistricted for the map that has been drawn? No  
reasons have been proffered other than the three:  
equal population, fairness to minorities,  
communities of interest are balanced. And, well,  
sometimes they balance this way. Sometimes they  
balance that way, and no reasons other than that.  
Come on. Let's be honest.  

Finally, I'm glad to see that you are very  
attentive to the Franklin City Council president.  
I hope you are equally attentive to the words of  
Satya Rhodes-Conway, who was I know from that  
liberal den of iniquity, Madison, Wisconsin, and  
to the words of the League of Women Voters, a  
nonpartisan agency, a nonpartisan organization  
that represents voters from across the state, the  
whole state. You represent the whole state, not  
just Republicans. Please keep that in mind.  
Thank you.

CHAIRMAN ZIPPERER: Any questions?
Next, Jean Wulf, City of Janesville, speaking for information only. And on deck, David Linton of Elkhorn, Wisconsin. Welcome.

MS. WULF: Thank you. Do you mind if I stand? Is that all right?

CHAIRMAN ZIPPERER: Fine by me. As best you can, try to speak into the microphone so that folks at home can hear you.

MS. WULF: Thank you. My name is Jean Wulf. I'm the city clerk/treasurer in Janesville, Wisconsin. On Monday night we adopted our ward plan for the city, and we have forwarded it on to Rock County for final adoption. Yesterday I had the opportunity to look at the new map redistricting the assembly districts and the senatorial districts.

Based on the map that I received off of the Internet, I would ask that this committee consider an amendment. I am asking for six census blocks to change, and it would change the population in Assembly District 31 and 44 by 17 people. In order to do that, I will only have to create two wards. If it is as it is now with your plan, I will have to create six additional wards. I can live with two additional wards.
Back in 2000 when we went through redistricting, I was required to create a new ward to accommodate Congressional District No. 2 with a population of over a hundred, and what I'm trying to do is make your plan work within the City of Janesville's plan, and I don't know if you have my handout. It was distributed probably 10 o'clock this morning. It identifies the six census blocks that I would like to change. Five of the census blocks add to Assembly District 44 and take away from Assembly District 31, and one census block is reversed adding to Assembly District 31 and taking away from 44.

If you'll look at my map, I have Ward 19 that will, based on your plan, be split into two wards, which is fine. Both wards will not meet the minimum standard. One ward will be two individuals less than the minimum of 800, and the other ward will be 632, which is 168 less than the minimum. I believe that is acceptable to be below the minimum if we use the same rules that we had in 2000 for redistricting. As I said, I had to create a ward of 100 citizens.

If you look at this purple ward, 22, it goes from one ward to six wards. By these simple
changes, it will put it back down to two wards. So that is the request from the City of Janesville is to do some housekeeping issues to take care of the city. I also believe that when they drew the lines, they forgot about these little appendages, which requires new wards, and you really can't have a ward of ten people or seven individuals or zero. They just kind of, you know, naturally went by this highway. But we had these annexations in the last few years, and we need to include that. So that is our respectful request, that the committee makes an amendment to your plan.

CHAIRMAN ZIPPERER: Well, thank you for bringing that to our attention. I did see it. We got a paper copy. If there's a way to provide it to us electronically, I think that would be appreciated. We can make sure you get the proper e-mail address to send that to.

MS. WULF: Okay. Thank you.

CHAIRMAN ZIPPERER: Senator Erpenbach.

SENATOR ERPENBACH: Yeah, a couple of quick questions. You testified for information only. I noticed that.

MS. WULF: Amendment to your plan.
MR. ERPENBACH: Right, okay. Have you talked to others, municipalities around the state? You've obviously rearranged your schedule to be here, so did Franklin, so did Fitchburg, so did Madison, but, you know, fairly close. Have you talked to others around the state on the issue?

MS. WULF: No, I have not. I found the map and decided I needed to -- as an administrator of elections in the City of Janesville, it was my duty to appear today to make the best effort to assist the city and to keep from creating six wards, to bring it back down to two wards. It is more efficient and effective administration of an election.

SENATOR ERPENBACH: Okay. How was the process for Janesville for coming up with your map?

MS. WULF: Rock County had an ad hoc committee made up of county board supervisors and citizens at large. They drew the supervisory districts and then sent it to the local level. In the City of Janesville, our representatives are elected at large, so we do not need to worry about aldermanic districts in keeping with the
population.

So administratively we split the supervisory districts in half. There wasn't really a lot to do in the City of Janesville. Most of the work took place at county level and the interaction between the committee and local officials, and we're very cognizant of communities of interest, school boundaries, making sure that we have the appropriate ward size for each of the communities.

SENATOR ERPENBACH: Okay. There are others out there obviously who are in similar situations. We just haven't been able to hear from them yet. Would it be your preference that we just kind of slow the train -- sorry, the bus, slow things down here a little bit so everybody has a chance to look and see, because there's going to be a lot of other municipalities who are going to have to come forward with their amendments. They just may not know it yet.

MS. WULF: I can't speak for other municipalities. I am just taking care of my constituents.

SENATOR ERPENBACH: Okay. We're supposed to vote on this on Friday and then again on Tuesday. Odds are pretty likely you won't get
your amendment. How do you feel about that?

    MS. WULF:  Then I will be required
to create six wards.

    SENATOR ERPENBACH:  Okay. Thanks.

    CHAIRMAN ZIPPERER:  Representative
Bewley.

    REPRESENTATIVE BEWLEY:  Thank you.
You said you heard about the maps. How did you
find out about them?

    MS. WULF:  Well, on the news, but
it wasn't detailed enough maps for me to look at.
So I couldn't see how it affected the
municipality, and I received a link Tuesday
morning where I could drill down and see the
actual streets and how it would affect the City of
Janesville.

    REPRESENTATIVE BEWLEY:  So you
heard about it on the news?

    MS. WULF:  The news, yes,
definitely, and then I tried looking for it over
the weekend. And I couldn't find a detailed
enough map. I knew it affected us, but exactly --
you can't really tell much from an
8-and-a-half-by-11 sheet of paper.

    REPRESENTATIVE BEWLEY:  Right. So
essentially you weren't notified in any way. I mean, nobody -- the State didn't call you and say, "By the way, we know you did your redistricting. Thanks, but you better take another look." You just had to react to your own personal circumstances that you as a citizen heard about it.

MS. WULF: I keep very informed on what happens in my position and job.

REPRESENTATIVE BEWLEY: Okay. I appreciate that because, of course, in many areas of the state they are served by news services from outside of the state. Up where I live it comes from Duluth, who didn't report on redistricting. I question my constituents whenever I hear from them, yesterday and today, "Did you hear about the maps?" "What maps?" "Did you hear about redistricting?" "No, what?"

And it was only in -- you know, we have newspapers that are weeklies that come out on Wednesdays, so they hadn't heard about it yet. And, in fact, I know that there will be communities that will not know about this until after the law has been passed, and I'm very grateful that you are here. I'm very grateful
that we're going to have the chance to listen to the half dozen communities that have the time, the ability to come to Madison, show us their maps, and maybe by some grace a couple of them are going to get fixed.

But the balance of the state are going to find out too late, and they will be unserved. And I guess I'm not asking you to comment on that other than I'm very glad that your community might -- might have a chance to get it made right. Thank you.

CHAIRMAN ZIPPERER: Any further questions? Thank you.

MS. WULF: Thank you.

CHAIRMAN ZIPPERER: David Linton, Elkhorn, Wisconsin, speaking against. And up next, Helen Nagler of Appleton speaking for information only. Mr. Linton.

MR. LINTON: Yes. Thank you, Chairman. Thank you, Committee, for the opportunity to speak. I'm speaking in opposition to all three bills, and I'm speaking as a private citizen. I represent no organization, no -- I've got no group behind me. I'm just me. I found out about this over the weekend and realized that this
was being fast-tracked and that this is my
one-and-only opportunity to be heard, to
understand, to have a hearing on something that's
going to be affecting me and the rest of the state
for the next ten years.

I am opposed on several grounds. First off,
the timeframe that you're trying to run this
through. It was introduced on Friday afternoon.
Public hearing is Wednesday. I heard about it
over the weekend. This committee is voting on
Friday. It's supposed to go through the
legislature Tuesday, and who knows whenever Scott
will probably have some big party to celebrate
signing this thing. Probably next week. This is
all the public we've got in here to it. This is
going to affect all of us for ten years. You need
to hear more.

Secondly, the secrecy involved in the entire
process. There were no working maps. There were
no working drafts. All this was a group of
attorneys hired by one particular caucus just on
their own and all of a sudden, boom, pops full
form and dumped onto you. That's no way to work.

The third point is that this really does not
respect local control. It does not respect local
boundaries. I am astounded to find the party in power, the so-called conservatives, the so-called protectors of local control, now are the party of big central power. "We have power. You will do what we tell you." Okay? You're telling all of the local units where they can get off because we know better.

Where is that in your conservative roots?
I'm dismayed. I'm not seeing a clear rationale anywhere for why this has to be accelerated, what the timeframe is. What is the rush? Do you hear it? Do you hear a groundswell coming from people saying, "We need to redistrict, and we need to redistrict now"? Where is it coming from? Okay.

I'm not hearing a clear rationale for why this needs to be considered under the rules of an extraordinary session. Of course, I don't understand why the state budget bill was considered under rules of extraordinary session. I tried asking my representative, I tried asking my senator, and I tried asking my governor for a clear explanation of why the rules of extraordinary session were used.

Did the Russians march into Antigo? Did the Japanese Imperial Army capture Arcadia? Have the
terrorists taken over Lake Geneva? What civil emergency required extraordinary session? No clear answer to that. So, yes, I -- just as a citizen, I am opposed. I honestly wish there were more opportunities for more citizen input. I thank you for your attention and your time.

CHAIRMAN ZIPPERER: Thank you for your comments. Any questions? Thank you. Next, Helen Nagler, Appleton Redistricting Committee, speaking for information only. And on deck, Susan Kay, Madison, Wisconsin. Welcome Ms. Nagler.

MS. NAGLER: Thank you. I'm glad to be here. I would have been happier if I hadn't had a county board meeting last night and had to get up early to get here, so I'm very tired. So I'm a little crabby. Please put up with me.

CHAIRMAN ZIPPERER: We've had to deal with crabby people before. It's all right.

MS. NAGLER: I am the county board chair, Outagamie County. I have served on the Appleton City Council; and although I served on the redistricting committee, I did not chair it. But the chair has requested that I come because I was the only one who was able to get here, and some of you might know me. I might have talked to
you, and I guess representatives who know me know I'm a pretty dollars-and-cents person. So that's what this is going to be pretty much about.

First of all, when I found out about this on Monday, I asked our -- we're fortunate enough to have a GIS department, and so he did an overlay so we could see if we could fix it. Now, I wish I was in the position to ask you to do one thing; but if you know Outagamie County, it borders on Calumet and Winnebago. Appleton, the city that I am a part of, is in three counties. We are the biggest city in two counties. We are the biggest city in Calumet County and Outagamie County, and we have a portion of Winnebago County that is part of the city. We also have two other cities that are in two counties: New London, Wrightstown.

So the reason I'm here is we've been working really hard. Before I was County Board chair I chaired the Finance Committee for quite a few years. The goal that we had as a county when we did the Redistricting Committee was to make the boundaries understandable because we understood clearly that we would have less resources in the future, so we wanted to make the boundaries really clear so people would understand where their
boundaries are.

So we used major roads as much as possible. We thought that would let people know that we wouldn't ask as many questions, and it would help in training coworkers because with the multi-county and everything that was going on here, it was hard to get poll workers to get accurate, so we thought that would help. The other reason, quite frankly, is that in the last redistricting, and I've served on three redistricting committees, last one we kind of messed it up in Appleton. And it was really a mess, and we wanted to straighten that out.

We also have Lawrence University in Appleton, which is an issue in and of itself, and that was in three supervisory aldermanic districts. And none of the kids could ever figure out how to go and vote, so we tried to straighten that out. So in order to straighten it out, we thought that we would try to put the districts -- we didn't want anybody divided, any of the small towns in our rural section divided into more than two if we could help it, and we wanted to cut down the number of wards because the ward costs are expensive. And the more wards you have, the more
you spend on elections.

You have to do sample ballots for everybody on the ballot for every ward. Sometimes if you have a very small ward, you do sample ballots, and you have voters. You also need to do -- for the test ballots you also have the layout costs, the programming costs, all of those things, the advertising costs. We thought we could save some money that way, so we tried to do that.

And in short we thought we would try to save the property tax -- our property taxpayers because they pay for all the elections, so we did that. So to accomplish this, we started out with a committee of nine, and we started out with just an informal meeting. We notified all the towns, villages, cities. We were fortunate enough to have one of the members of the City Council who was also on the County Board, and he chaired the City of Appleton's Redistricting Committee. So he went to training with us, and we did the training.

And we had informal meetings. They told us what they wanted, and it was pretty much what we had already decided we would do. So we sent our GIS people together to do six maps, two of one size for a County Board and two for the other.
When those were done, we had another informal meeting, and we had the citizens come back. And we had really good participation.

They looked at the maps, and they chose one from each -- well, really it was overwhelming. They chose one for 36, which I know you find incredible, but our board meetings start at 6:30, and they're done by 8. So we do okay with that. So we did because that laid out best, and then we had -- they looked at the maps. They made some suggestions that we tried to change, and then we had a public hearing.

It took a long time to do all this, but we had the public hearing. There were still some changes. We had done some things like we thought it was a road, and it was an alley. I mean, some of those things we changed. We also put none of our supervisors on the map, and we wanted to have districts as squared off as possible. So then the city got it. The City of Appleton had approved their map last week. They have I think eight districts that are coterminous. This means that this will cut down on their election costs pretty dramatically.

And actually had we known that we were going
to have to follow the State, we would have been
happy to cooperate to do that, but we didn't know
that. So we would like the legislature -- because
there are other counties that have, but we are
going to have to redo this whole thing.

I mean, we -- we just absolutely are because
Peter Stick, who came in from Appleton, chaired
that committee, looked at this map yesterday
before the County board meeting. He knows his
communities. We can't do wards with the current
requirements out of what we've got here. In order
to match the lines that are here, we don't have
the numbers that are required in the law to do
them. We'll have to do something with half of our
supervisory districts, and that is really
problematic.

I'm not going to speak for Appleton; but
since I was on the Appleton City Council the last
time we did the redistricting with Calumet County
having to match up, this is going to be a mess. I
mean, I would like to say something else, but it's
a mess. It's an absolute mess, and we also have a
timeframe. I mean, we have to get these things
done by October 1st so people know what districts
have changed so they can think about running for
office.

We have a nonpartisan race that begins -- we have to have everything done, and people have to be willing to take up papers December 1st. With local offices it's hard to get people interested in running for office, period. We've got a mess going here, and we don't know how we can do this and get the public -- everything done.

So I guess I would respectfully request that if you can't find it in your hearts to wait, which I think would be the best thing to do, at the minimum, those of us who have done this and have this all in our GIS systems and have it so that you can access it at the state level -- I mean, Appleton has sent theirs in. We sent our plans. I think all the counties have sent their plans in.

It would be most helpful if you used your building blocks, and you looked at the map that you have now for the senate and the assembly districts and at least to get the building blocks that are available now and use those so we don't have to start from square one because actually all of this cost is borne by the property tax owners. I mean, it's all borne there. We've already got considerable money into it.
And, actually, since we're losing money, we unfortunately have to -- we have no money. I mean, we actually have no money to fool around with things that we shouldn't have to fool around with. And I'm really sorry this happened. I think probably a lot of you are sorry this has happened, but you don't have to have it. We have to fix it. We also have to fix family care. We also have to fix solid waste.

I mean, and we're kind of resolved to that, but we don't really have the time to fool around with something like this. We have to fix other things, and we will fix this, I mean, but it would be better if you would help us do it or you would fix it for us because it's -- or at least give us the money to fix it. I know.

CHAIRMAN ZIPPERER: Any questions from committee members? Representative Danou.

REPRESENTATIVE DANOU: Just want to be clear. What if you had your choice, what would you ask this committee to do?

MS. NAGLER: Well, honestly, as everybody else said, we went to training. We talked really hard. We asked people to follow the law. We asked people to understand this was for
the citizens. We have two people on our redistricting committee who are in races. I mean, actually, I don't like my district either. I have Lawrence -- all of Lawrence University in my district.

I mean, I don't like that much either, but we all said let's see how this makes sense. And we do know our communities, and New London knows their community. Hortonville knows their community. By the time we -- the reason we can't fix this is because of the way these lines are drawn. When you talk about the domino effect, once we use these lines, we've got to do it again because we have a large section of rural, and we have -- most of our population is pretty much in the southeast corner. It's just -- our planner looked at this.

Yesterday when we looked at it, he could see 20 changes right up front, and he didn't really have a lot of time to do it because, as I say, we just found out about it on Monday. So he did what he could with what we had. It's a problem, and I don't think we're alone. I know the woman -- I talked to one of the staff people at Central Regional Planning who works with this, and she
called other counties in our region. And they're having the same problem.

I mean, it's not isolated, and so I don't -- you know, I never envy people who have hard decisions to make, but please consider all the citizens who spent their time and money, all the funds. And we're kind of frazzled at the counties these days. So if you could help us with this, it would be helpful.


MS. NAGLER: Excuse me, I did bring the guidelines for redistricting.

CHAIRMAN ZIPPERER: Sure. Hand them to the page staff, and we'll have them distributed. Harriet Callier, ARACOPA Coalition for Social Justice, speaking against. Please correct me if I pronounced that wrong.

MS. CALLIER: Yeah, I will. Good morning -- or good afternoon. Did start out this morning. I will try to not repeat a lot of what has been said. I do -- I am opposed. I didn't
think you had a chance to mention that one.

CHAIRMAN ZIPPERER: Oh, sorry.

MS. CALLIER: I'm more concerned with what has happened or what will happen in Assembly Districts 8 and 10. I'm from Milwaukee. We've been waiting to speak -- well, I've been waiting to speak on this piece. I got word of this happening pretty much the same way that everyone else did; but a step further, I got access to the link solely because GIS is not solely a reserved piece in healthcare, which is my background.

We've been using GO Access, ZIP Plus 4, and then you lay that over the van maps, and you get to see or speculate on what you believe will be. I don't have to speculate anymore because Hispanic Republicans were succinct in saying this was to protect the sensibilities of Shorewood, which takes into account Darling, and it also takes into account those people who were offended by the independents who've run from last November until now when Pauly Williams chose not to -- Legislator Williams chose not to return to the legislature.

And it has -- it affected those individuals who for a number of years have been silent or
dormant for various reasons. On the east side they were dormant because they didn't care for the candidate that won each time. Middle group, the district that -- or the areas that are going to be affected by this, house by house, were dormant for other reasons. But independents have come in and been able to, with the absentee ballot and with canvassing, to spark an interest. Those people have now voted. Those people have now acted.

Those people with this legislation will now be disenfranchised, will be forced into the 11th, will not have access -- if Ted and Adam are correct, will not have access to vote again for six years. So then you shove them back into silence. You silence them again, voter suppression at the top, because you know what the makeup of this population is.

And, again, I say I can speak to that because I was recruited to Milwaukee. I worked for the Federally Qualified Health Centers nationally. The piece that I do focuses on the insurance and the medically underserved areas, and that is why I've had access to GO Access and know that information as far back as '95 when I first started to work for the insurance companies, who
had to then justify whether they were providing quality care and if the patient actually had access to a doctor based on that state's lines, and that was in another state far removed.

When ZIP Plus 4 came in, we had to re-draw. Re-drawing and boundary lines is no new item to me, neither is the software, neither is the technology that they're saying is only -- it's so far out there no one can understand it.

Same or very similar situation is occurring in the 8th. That portion of the Shorewood -- that portion of Darling's area that had for years been dormant, been silent. They didn't move there by choice. There is no new construction in either of the areas. That portion is the ones that have been, I'd say, for lack of better words, a resettlement of African-Americans to Milwaukee to the outskirts, the low-income populations.

And now we're finding with canvassing, they are the ones who are living in residential areas, where the Republican leaders, each time we go out to canvass have a new rule about why you can't even knock on a door, and this legislation will buy them enough time that we don't ever have to be concerned about it. This is what we're
entertaining each time we go out and volunteer and try to spur interest in the political processes.

Those people have interest in the processes now. They're coming out. They're voting. This will again suppress their votes or suppress their participation simply by drawing a line, shoving them over, and I'm not speaking for the Democratic party or the Republican party. Independents have been the ones who've turned in at last minute.

The Election Commissioner could have spoken to the fact that they turned in votes at last minute because they go out and get people registered and give them a ballot, and now those people are bringing others in to -- and this is not a part of the census. This is a part of the political process that's going on in Milwaukee.

For the record, I am a Democrat, have never needed to change party. While I was living in Wisconsin, I was the chair of the membership -- I was the membership chair for the Democratic Party of Milwaukee County. I gave that position up because my job started to take me more on the roads. There are federal clinics not just in Milwaukee but the ones down in Rock County that service Janesville and Racine, and so I get to see
where those lines are. I get to drive the back roads on County Road X or Highway X through Clintonville.

And if you didn't have to slow down for the schools, you would pass through it. You'd never know it's there. And where the lines are falling are not along race and not along party. They're along economic lines. Don't have to speculate. Did have to guesstimate from my records, but he came, and he bothered to tell you top of the morning, that, yes, we are focusing not on the first two principles but on the sensibilities of the good folks that we Republicans represent.

And I'll be brief. This will be my last comment, because I guess all of it is comments at this point. I come from Republican states. Didn't run from them, but I grew up in Republican states. I was educated, and I'm very proud. We brag about it, be proud of the education I got. Under Governor Wallace in the sixties, we knew what a Republican meant. We knew what they represented, but they also bothered to at least have some chromosomal table for every other citizen.

What I've seen in Wisconsin, when I got here
and understood healthcare and that you didn't have a county hospital, allowed not to have a county hospital, enroll into what's called GAMP and enroll it into BadgerCare but you hold up BadgerCare from December to -- all of this foolishness, it's not along the lines of any people. You couldn't care about a person at all. It has now become party.

It is not my fight, but it is my responsibility to share with you what I know. And I know what's going on in the 8th and the 10th is not along party lines. It's along another set of lines, and even the best educated professor from Marquette will not be able to defend that challenge should it be put to court. Thank you.

CHAIRMAN ZIPPERER: Thank you. Any questions? Oh, I'm sorry, Representative.

REPRESENTATIVE ZAMARRIPA: Thank you, Mr. Chair. Thank you so much for coming to the capitol today to testify, and I really have more of a comment to make than a question. But I appreciate you shedding light on how this could adversely affect some of our under-represented communities, communities of color, the African-American community, and these are concerns
that I raised earlier today, too, specifically pertaining to my Latino community, another under-represented community of color.

So I just again want to express to the public and to my colleagues that there just isn't the time. You were one of the few people of color and I believe the only African-American woman who's testified today before us. We've been holding a public hearing all day, and I just find that -- I find that very alarming.

We're just not allowing the time for real dialogue to happen with all the diverse communities of our state of Wisconsin, so thank you again for representing.

CHAIRMAN ZIPPERER: Next, looks like Nicholas Zabos, City of Madison, speaking against. Mr. Zabos?

FEMALE SPEAKER: He's gone.

CHAIRMAN ZIPPERER: Okay. Amy Nobel, Madison, Wisconsin, speaking against. No. Lisa Whitaker-Duvalt, Madison, Wisconsin, speaking against. No. C.J. Terrell, Madison, speaking against. And just to let everybody know in case there's anybody wishing to submit a slip, there will be one more after this, and that will
conclude testimony. Welcome, Mr. Terrell.

MR. TERRELL: Hello again. Kind of disappointed I keep having to see all of you. Not that I don't like any of your faces. I just have other things I could probably do more productive for myself than coming here to talk about why the rules are being broken again. To me it's extremely hypocritical that laws are being made right before rules are being broken.

I'm getting tickets on a fairly regular basis and being arrested and dragged out of my building for breaking rules that are being made up the night before, and you guys are breaking rules that have been in place for years in the State of Wisconsin. And you're just legislating your own. I have a message from the people. You're not that important. You're not, just plain and simple.

You wear suits, and you walk into a big building. That is your job. Your job is to listen to the people. You're not doing it. So you're pretty much making a mockery of the system, and we're sick and tired of it.

I would also like to extend gratitude to you guys because every time you do something like this, you're just adding people to my side of the
cause. I'm getting phone calls. I'm getting e-mails. I, along with several who have become my closest friends and family, even though I knew most -- or I knew nearly none of them before February 14th, we've organized, and we are preparing to fight back.

And every time, especially today, I'm hearing people from places like Appleton, generally red area of the state. As you radical right-wing -- because conservatives are not who are in power right now, as you guys start to overreach more and more and more and stretch away from your conservative base, I'm getting more calls every day from Republicans who are looking for a place for their voice to be heard for real. So I'd like to say thank you for that.

You know, this is all about protecting your jobs. I'd also like to say thank you for finally using a method that's preceded in gerrymandering. It's something politicians have been using to protect their jobs since politics. But, you know, when you try to push it through in five days, it's just more people that get alarmed. It's like if there was less arrogance and you guys have passed things slowly and, you know, we
wouldn't have even noticed probably.
Like, you could have been so much more
successful at this, and I would just -- man, this
is just ridiculous. So I guess I would just like
to say that as an educated black man in the State
of Wisconsin, your agenda has failed already on
me, and I look forward to making sure it fails for
the rest of the young minority youth in this state
because we will get educated. We will rise up,
and we will fight everything that you are
currently proposing.

I'm tired, and I'm going to start calling
things like they are. The Voter ID Bill is
racist, blatantly and overtly. Anybody who votes
for the Voter ID Bill is a racist blatantly. The
Arizona Copycat Bill is racist. The AB 173, I
think it just got its number, racist, terribly,
openly racist. And the most racist part about
that bill is if you're worried about illegal
immigrants in the state of Wisconsin,
geographically we should be carding people that
look like you. Are you from Canada? Are you from
Canada? Are you from Canada?

It's a shame, an absolute shame, that none of
you have the dignity and respect to at least
follow the rules while you're screwing the people
of this state, and one more -- oh, hey, Pridemore,
how's it going? Racist one. No more kids. We've
got a couple that are --

CHAIRMAN ZIPPERER: Remember we are
on WisconsinEye.

MR. TERRELL: Yeah, we are on
WisconsinEye. But if the rules don't apply to
you, then they don't apply to me. And I would
like to say that this is Bullshit No. 2 for the
day. So I applaud you all for doing this in a way
that woke up the people, and I look forward to
seeing you all in your districts when I'm running
against one of you in the near future.

The 28-day residency requirement is not long
enough to make sure that we don't just start
running real people in all of your districts, and
I will be working myself to the bone. And if I
work so hard that I stay up for an entire year and
die of exhaustion to do it, I don't care. So I'd
like to let you all know that I lack caring about
that anymore. See you all later.

CHAIRMAN ZIPPERER: Up next,
Wendell Harris, Milwaukee, NAACP, and then on deck
and the last listed is Patrick Robins, Madison.
Welcome, Mr. Harris.

MR. HARRIS: Thank you. Good afternoon. I started out this morning. I am Wendell Harris, and I'm a longtime member and former vice president of Milwaukee branch NAACP. I'm the current chairperson for the Educational Committee for Wisconsin Conference --

CHAIRMAN ZIPPERER: Sir, I'm sorry to interrupt, but if you could turn on your microphone so that they can hear you.

MR. HARRIS: Are we there now?

MALE SPEAKER: You're there.

MR. HARRIS: Thank you. Good afternoon. My name is Wendell Harris. I'm a longtime -- longstanding member and former first vice president of the Milwaukee branch of NAACP. I'm the current chairperson of the Educational Committee for the Wisconsin NAACP State Conference of Branches. I've been asked to speak today on behalf of the Milwaukee branch NAACP and the State Conference of Branches, presidents James Paul and Tom White respectively.

Founded in 1909, the NAACP is the nation's largest standing civil rights organization. NAACP was instrumental in the struggle to outlaw legal
segregation in the United States. Our mission stated -- our stated mission is to ensure political, educational, socioeconomic equality and rights for all persons and to eliminate racial hatred and discrimination.

Perhaps our most important focus has been to ensure the right to vote for African-American citizens, including the right to make -- to make our votes count in a meaningful manner. The NAACP helped secure the passage of the historic Voting Rights Act of 1965 and its extension in '70, '75, '82, and most recently in 2007. The NAACP and its branches have litigated hundreds of voting right cases under the U.S. Constitution and later the Voting Rights Act to guarantee those rights for all African-Americans.

We fought to allow electoral devices and schemes which deny, abridge, suppress or dilute the right to vote. Our state's NAACP branches have likewise fought to ensure meaningful representation of the votes of all African-Americans in the state of Wisconsin. African-American voters, when it comes to drawing electoral districts, we see our vote -- our right to vote in two ways.
First, we fight to ensure that the district that includes large concentrations of African-Americans, the lines are drawn which permit us to elect the candidates that best represent our issues and concerns. As such, we have the right to have electoral districts that do not dilute our vote.

Second, in those electoral districts and geographic areas where we do not constitute the majority, we also have the right to influence the election of candidates who acknowledge that our issues and concerns matter and will include in the decision-making process. It is in this situation the right to influence the outcome of elections that the Republican redistricting plan disenfranchises thousands of African-American voters, primarily in southeastern Wisconsin.

The Republican redistricting plan does this by packing all African-American voters into a single district for the sole purpose of removing influential African-American voters from otherwise white majority districts in which we could have an influence on the outcome of the elections. As you know, the Republican redistricting plan removes African-American voters residing in District 8,
currently represented by Senator Darwig and packs us into a largely African-American district currently represented by Senator Taylor.

It also removes African-American voters who currently represent -- currently represented by Senator Vaukner in District 5 and packs those voters into the largely African-American district currently represented by Senator Coggs in District 6. Equally destructive is the packing of all African-American voters living in Racine and Kenosha currently represented by Senator Wanggaard into a single senate district eliminating the ability of those African-American voters to have an influence over the two senate districts. Under the Republican Redistricting plan, African-American voters have now lost the ability to influence the outcomes in three senate districts in southeastern Wisconsin.

Final point regarding process. The drawing of such lines has required the collective input of many groups and individuals. Like millions of other Wisconsin voters, we in the NAACP did not learn until this week exactly how this proposed Republican redistricting plan would impact voters. We are appalled that the Republican leadership
intended to fast-track this process right past the local redistricting planning process that are currently under way in our cities and counties, even to the point that this redistricting plan will even run rough shot over existing ward lines.

By carving up numerous wards into multiple legislative districts, the legislature will make the administration of our elections confusing and politically potentially an administrative nightmare. This affront to the democratic process both on the state and local levels must be changed so that all citizens are afforded a meaningful opportunity to examine, debate and provide input on how our legislative district lines will eventually be drawn. Thank you. Are there any questions?

CHAIRMAN ZIPPERER: Thank you. Questions from committee members? Thank you.

MR. HARRIS: Thank you.

CHAIRMAN ZIPPERER: Patrick Robins, Madison, Wisconsin, speaking against.

MR. ROBINS: Hello. Yes, I'm speaking against the redistricting plan. I first wanted to mention that there is an informational memorandum from the Legislative Reference Bureau,
Informational Memorandum 10-4 made in July 2010, which has a redistricting chronology from 1950 to 2002 which does show that no matter, of course, whoever is in charge, be it Democrat or Republican, this is obviously a very contentious and drawn-out process, and that's what it's meant to be, because it's an extremely important thing to consider for the entire democratic health of this state.

Of course, that being said, I do believe that the Republicans dislike any kind of inefficiency in government because it apparently just doesn't work as quickly as they would like it to. Now, why that is, I'm not exactly sure. Recalls certainly are not efficient. They take a lot of time and effort to get going, so surely they can go ahead and deal with that kind of inefficiency when certainly they can put even more roadblocks in the way with fake Democrats and such. That works in their favor.

However, certain other kinds of inefficiencies, like basic democracy, do not, and so they seem -- you know, you Republicans seem to be just throwing them out. Of course, what also strikes me is that in the way that you're pushing
this forward basically in order to ensure that many of the recall elections will fail, I mean, you're trying to do that, this oddly dovetails with many of the Republicans' accusations of unions and how they protect jobs, that somehow they protect jobs that are for people who are not supposed to have those jobs.

At least in terms of unions, at least all of those protections were set in place legally through a long process of give-and-take and through rules of the unions themselves. So it seems to me then that essentially the Republican majority dislikes the fact that the public, having seen what they have done on their jobs, would like to fire them. And so the legislature is working in an illegal way to get -- to assure itself of its job protection, which kind of shows a level of hypocrisy.

Also, the Voter ID Bill apparently did allow for poll workers in yesterday's elections to ask for picture IDs, although they -- people were not required to show them, but that, of course, is basic fundamental intimidation, which, again, with what the legislature is doing now puts us right back into the context of the Voting Rights Act of
1965, which, although it focuses on race and color, certainly seems apropos because essentially not only does the Republican majority seem to be wanting to get rid of many minority voting rights, it essentially seems to be wanting to carry that over to Democratic voting rights, Democratic party voting rights.

And obviously if -- we can really only look at the race and color provisions in the courts, at least under the Voting Rights Act of 1965, but I think it would -- I think it would be a shame if Wisconsin were to become one of the states like these many southern states that has to get permission from the federal government every time it wants to change its voting laws, which could be an inevitable and -- outcome of this.

I also find it somewhat interesting that the Republican majority has been obsessed with giving local governments tools of one kind or the other, but this is obviously grabbing back one of the most basic fundamental long-lasting tools that local governments have had. And, let's see, just a couple more points. I think that there are decent Republicans in this state and in the majority who are either afraid to stand up to the
majority of their party to slow this process down, to vote this proposal down, and many who are ignorant, that is, among the voters, not only of what's going on but of what it entails of the process that has been used.

And in their ignorance they will allow this to happen partly, but I think, again, as soon as many of these decent Republicans find out what the Republican majority has done, they will be another contingent of Republicans who will in disgust either leave the party or work against those people already in office.

Now, whether or not, of course, the people are going to be able to vote anybody out of office or into office is a matter of some dispute. Again, considering the Voter ID laws and redistricting and, you know, you can go on and on, I do think, though, that it's helpful for us to put this also in a national context because this redistricting proposal is part and parcel of the American Legislative Exchange Council's model legislation and its defense of having states have the almighty authority to do their redistricting without any outside scrutiny from the federal government or whatever.
Of course, some of the members of ALEC in the Wisconsin legislature are Robin Voss, who is the State chair of ALEC. Lea Vukmir probably states on her website that she was very recently ALEC's legislator of the year. I believe that was in 2009. I'm not sure. But we can look at other states. John Kasich, the governor of Ohio, is a member of ALEC. Mitch Daniels, governor of Indiana, is a member of ALEC.

There are at least 2,000 other legislators apparently around the country who are members of ALEC, and it is a uniformly right-wing, often radically right-wing, organization that, again, seems hell bent on providing its corporate clients, among whom are the Koch Brothers, but there are many others, so we shouldn't just demonize the Kochs.

But this is basically a conservative nationwide effort on the part of corporate -- corporations and their minions among Republican parties around the country to destroy many Democratic protections in the hopes that this will create an even more powerful oligarchy or plutocracy that will hopefully, in concert with the legislative changes occurring in these
legislatures, will ensure a Republican majority for many years to come, thereby causing our country, our great country, to become a banana republic. Banana Republicans leading a banana republic.

So in conclusion, I hope that the Republican party will think about whether or not in the coming years it wants to wake up to the day that its members here and in the legislature as a whole will wake up to the day when maybe a niece or a nephew, a grandchild, a close friend of a friend's son, whoever, will look at them and say, "Grandpa, Grandma, Uncle, Aunt, why did you help kill democracy in the State of Wisconsin?" Thank you.

CHAIRMAN ZIPPERER: That concludes individuals registered to speak. Have a number of registrants against: Senator Mark Miller, Senator Tim Carpenter, Senator Bob Wirch, Representative Barbara Tolls, Representative David Cullen; Mitchell Nusbaum, Madison, Wisconsin; Mariah Clark, Middleton, Wisconsin; Suzanne Stite, Madison, Wisconsin; Laura Chern, Madison, Wisconsin; Tony Goad, Madison, Wisconsin; Maggy Merdler, Verona, Wisconsin; Carolyn Kaiser, Elk Mound, Wisconsin; Joanne Elder, Madison,
Wisconsin; Carrie Shepetz, Madison, Wisconsin; Shirley Hidinger, Madison, Wisconsin; Francis Bucknell, Madison, Wisconsin; Robert Turner, Madison, Wisconsin; Paul Vernig, DeForest; Peter Canon, Madison; Susan Kohn, Madison; A.A. Tatarski, Madison; John Bell, Madison; Linda Wilkins, no address given; Lauren Mickel, Madison; Robert Canter, Madison; Anita Simanski, Madison; Milan Mitchell, Fitchburg; Paul Malinchki, Madison; Janet Jumalia, Madison; Virginia Ogden, Madison; Nick Indelitinos, Madison; Mindy Preston, Madison; Ann Marie Bell, Madison; Nicole Schultz, Madison; Christine Sage, Madison; Joe Buchilick, Madison; and Chris Winfield, Madison.

So that concludes those speaking and registering. As I mentioned during the hearing, senators on the committee should anticipate an executive session perhaps on Friday. I will be in contact as plans are more definitive and would appreciate sharing any amendments and will certainly share amendments with committee members as we go forward. Thank you to the staff and to everyone for your patience today in our over seven-hour hearing.

REPRESENTATIVE BEWLEY: Will the
assembly be meeting?

CHAIRMAN VAN ROY: No.

REPRESENTATIVE BEWLEY: Why?

CHAIRMAN VAN ROY: This was brought forth earlier in the testimony that this is a senate bill, and this is what we're discussing today. And that's what we had on, and that's why we were invited to have it as a joint committee, to listen to the testimony.

REPRESENTATIVE BEWLEY: Why? If it's a senate bill, why are we here?

CHAIRMAN VAN ROY: To listen to the testimony of the senator.

REPRESENTATIVE BEWLEY: Why was the assembly committee invited if we are not going to come to meet and discuss it?

CHAIRMAN VAN ROY: That was a procedural vote to that degree, and so that will be it as far as that.

REPRESENTATIVE BEWLEY: But why were we called here? Why did we come all the way here at taxpayer expense, seven and a half hours, and you are telling me that we will not have a chance to discuss this in committee? Why was this committee included here? I don't understand, and
I apologize. I am new. I do not understand.

CHAIRMAN ZIPPERER: I mean, we've heard those comments before. We just had one extra registrant that came in, Mariah Clark of Middleton registering against. With that, the hearing concludes.

(Concluded at 5:25 p.m.)
STATE OF WISCONSIN )
COUNTY OF DANE ) ss.

I, LYNN SCHULTZ, a Registered Professional Reporter and Notary Public in and for the State of Wisconsin, do hereby certify that the foregoing Transcript of Proceedings was taken before me at the State of Wisconsin Capitol Building, 101 East Wilson Street, City of Madison, County of Dane, and State of Wisconsin, on the 13th day of July, 2011.


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