



League of Women Voters of Wisconsin
Education Network

BOUNDARIES KEEPING US OUT OF CONTROL

The Challenge of Redistricting

LWV of Door County Lunch & Learn
March 21, 2014
Stone Harbor



Federal Legal Requirements for Redistricting



- ▣ U.S. Constitution – Each state must reapportion and redistrict after each census
 - ▣ Reapportionment – allocation of political seats among governmental units, particularly congressional seats
 - ▣ Redistricting – establishment of boundaries among political units
 - Primary purpose is to reflect population shifts that have occurred over the past ten years

Federal Legal Requirements for Redistricting

- ▣ U.S. Supreme Court—Baker v. Carr (1962)—Districts for each office must be roughly the same size – one man one vote.
- ▣ Voting Right Act—Redistricting must take into account communities of interest



WISCONSIN



1848

Wisconsin Legal Requirements as of 2010

- ▣ Wisconsin Constitution – Article IV
 - Legislature is given the task of redrawing the legislative and congressional district lines after federal census.
 - ▣ Legislature comprised of a senate and an assembly
 - Divided into single-member districts
 - Compact as practicable
 - Consist of contiguous territory
 - Bounded by county, precinct, town or ward lines.

Wisconsin Legal Requirements as of 2010

Wis. Stat. Ch. 59.10 governs county decennial
redistricting

- ▣ Counties & Municipalities decided where wards were located
- ▣ Counties & Municipalities drew local electoral boundaries
- ▣ The State Legislature had to respect the ward & local government boundaries when drawing maps
- ▣ If no consensus was reached at the state level the Courts would decide.



General Timeline for Wisconsin Local Redistricting

- ▣ Census occurs every ten years, e.g. 2010
- ▣ Census data arrives in state, transferred to counties – early in 2011
- ▣ Local redistricting committee oversees drawing of a tentative County Supervisory District Plan – April through May 2011
- ▣ Creation of Wards / adjustment of Ward Lines by municipalities – June 2011 through July 2011
- ▣ Adoption of a final County Supervisory District Plan – August through September 2011

Redistricting in Door County

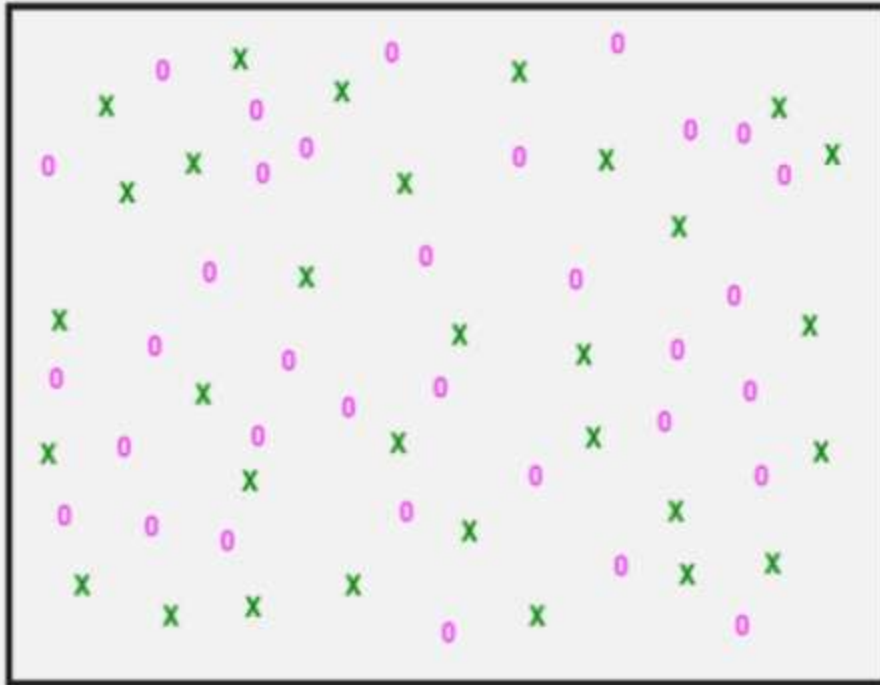
2011



- ▣ **County Redistricting Committee**
 - Patrick Olson, Chair - County Board
 - Kathy Schultz - County Board
 - Jill Lau - County Clerk
 - Stephanie Reinhardt - City Clerk
 - Susan Kohout - Citizen
- ▣ **Tom Haight - LIO / GIS Specialist**

- ▣ **Census data received by county.**
- ▣ **Population assigned to "census blocks."**
- ▣ **Committee determines that the main criteria to be used are**
 - **Equal population (overall deviation 10% or less)**
 - **Compactness**
 - **Contiguity.**
- ▣ **Software uses census blocks to build districts which meet criteria.**

What can go wrong with redistricting?

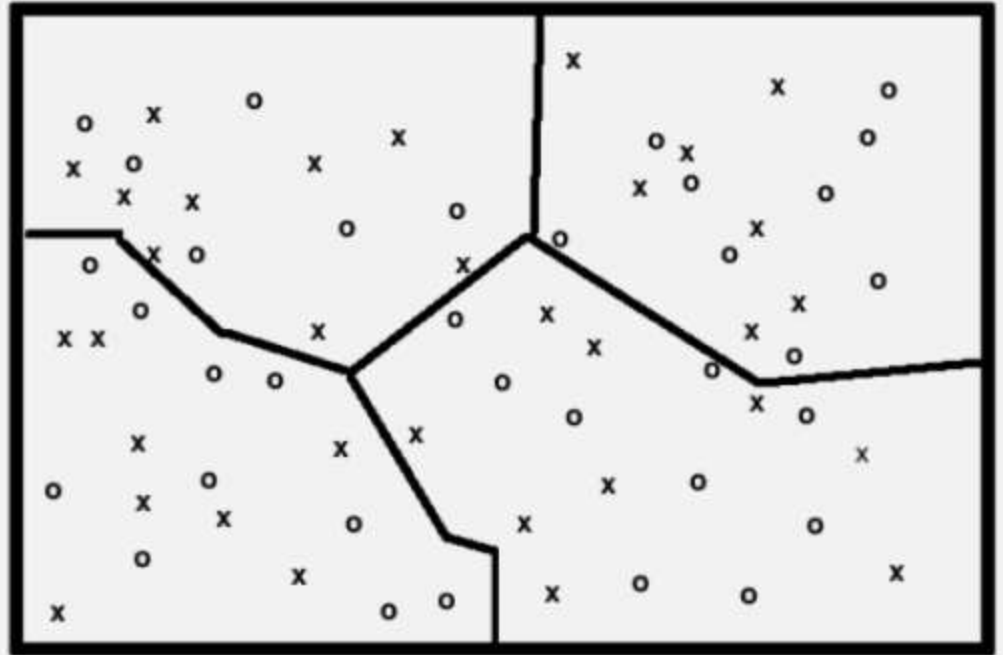


The State of New Trality

- Four Congressional districts
- Population well-distributed
- Equally divided politically
- Parties are X's & O's
- No independents
- Shouldn't districts be competitive?

Let's suppose...

- Two of the current representatives are very powerful - within Congress and within the state.
- Current population shift means one may lose their seat.
- Both wanted to be assured of winning.
- Drew the districts to favor their victory.



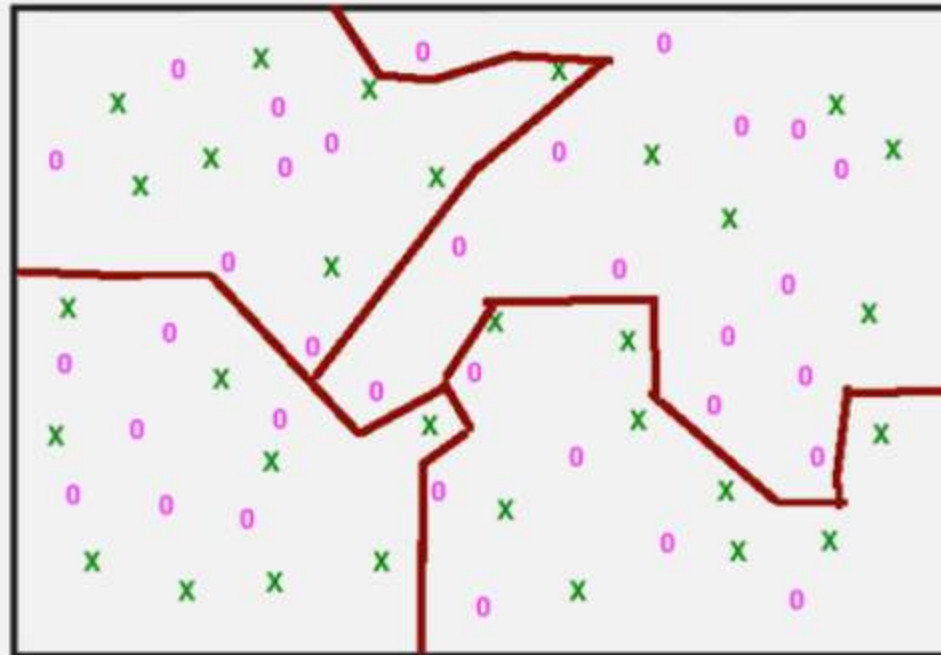
Where are the competitive districts?

Or try this situation...

- Voter apathy among O's .
- Highly motivated X party.
- Capture Governor's office.
- Take control of both houses.

Lines drawn by the X's.

Any competitive districts?



The Gerrymander strikes again

- Gerrymandering - a form of redistribution in which electoral district or constituency boundaries are deliberately modified for electoral advantage.
- The term comes from combining salamander and the name of Massachusetts Governor Elbridge Gerry.
 - He signed into law a redistricting plan designed to benefit his political party.
 - The Boston Gazette of March 26, 1812 coined the term.
- Actually in 1788, Patrick Henry and his Anti-Federalist party used the strategy first.
 - They drew the boundaries of Virginia's Fifth Congressional District to keep James Madison from Congress.



What's different now?

- ❖ With computers, massive data collection on individuals, and data modeling, redistricting has become more precise.
- ❖ If winning elections is the goal of those that draw the lines, it is much more assured than in the past.



Why does it matter?

- **Gerrymandering results in fewer competitive districts**
 - **Legislators from “safe” districts do not have to listen to all their voters.**
 - **They need fringe voters (either on the left or right) to get elected in primaries, so that’s who they listen to.**
 - **They are more beholden to party elites rather than their constituents – they don’t have to compromise to get the people’s business done.**
- **The highly partisan, contentious, and unproductive type of governing we see at the state and federal level are the result.**



It causes other problems...

- It's costly!

- 2002 redistricting cost more than \$1.3 million.
- 2012 it was \$2.1 million.



- People in the minority are discouraged from running for office because they have no chance to win.

- People in the minority are discouraged from voting because they feel their vote doesn't count.

- It is unfair and undemocratic!

How has redistricting been working in Wisconsin?

Wisconsin Redistricting Chronology, 1960-2002

- ▣ 1960's
 - **Republican controlled legislature / Democratic governor**
 - ▣ Wisconsin Supreme Court had to draw the districts in 1964.
- ▣ 1970's
 - **Republican Senate / Democratic Assembly / Democratic governor**
 - ▣ Federal court suit & Wis. Sup. Court deadline resulted in a plan drawn in special session.

Wisconsin Redistricting Chronology, 1960-2002

- ▣ 1980's
 - Democratic legislature / Republican governor
 - ▣ Three judge panel created a plan, finally superseded by a legislative plan.
- ▣ 1990's
 - Democratic controlled legislature / Republican governor
 - ▣ U.S. District Court for the Western District of Wisconsin created the plan.
- ▣ 2000's
 - Legislature split between parties / governor
 - ▣ Federal district court drew the plan
 - ▣ Cost to taxpayers \$1.3 million dollars

So what happened with redistricting after the 2010 census?



- ❖ Both Legislature and Governor's office were controlled by one party. Recall pending.
- ❖ In 2011 the law was repealed.
 - ❖ The State Legislature drew the State Senate and Assembly lines without consideration of local government entities.
 - ❖ County and municipal governments had to redraw ward and local government boundaries within the constraints of State legislative lines.
 - ❖ Lawsuits ensued.

The party in control drew the maps to win elections.

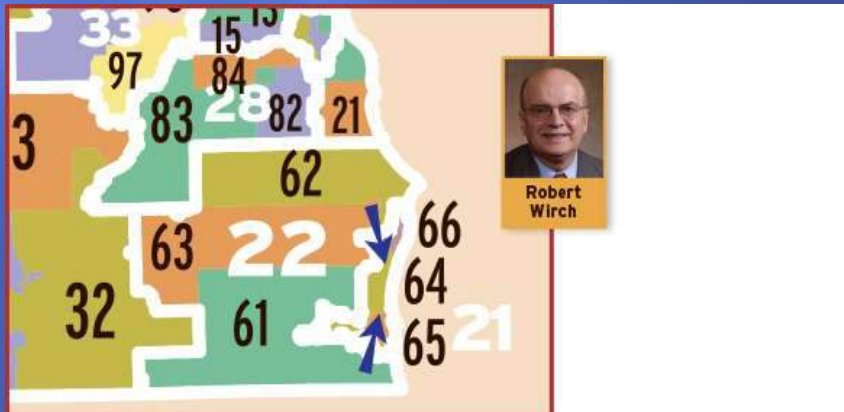
Freshman Republican Rep. Sean Duffy was bolstered with the addition of fast-growing, conservative St. Croix County to the 7th Congressional District.



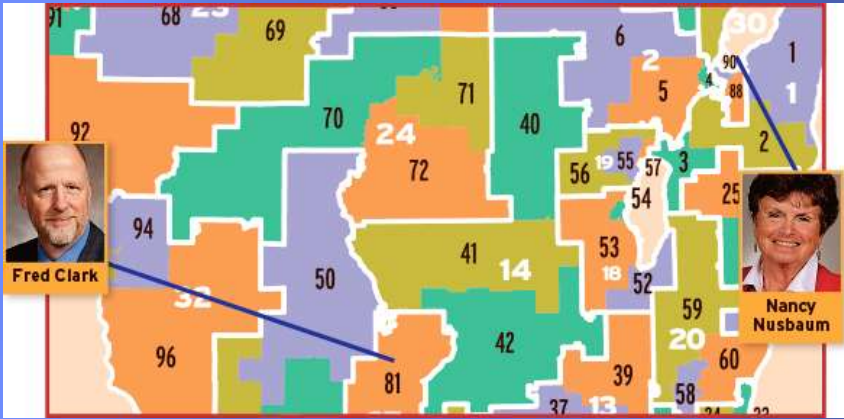
Democratic U.S. Rep. Ron Kind was helped when the GOP created an arm connecting liberal Portage County and the already Democratic 3rd District, while also netting progressive-voting areas like Eau Claire and Wisconsin Rapids.

Some of the results....

The cities of Racine and Kenosha were packed into one Senate district while their respective counties were carved vertically to create a safe GOP district to the west that cut out longtime Democratic state Sen. Bob Wirch.

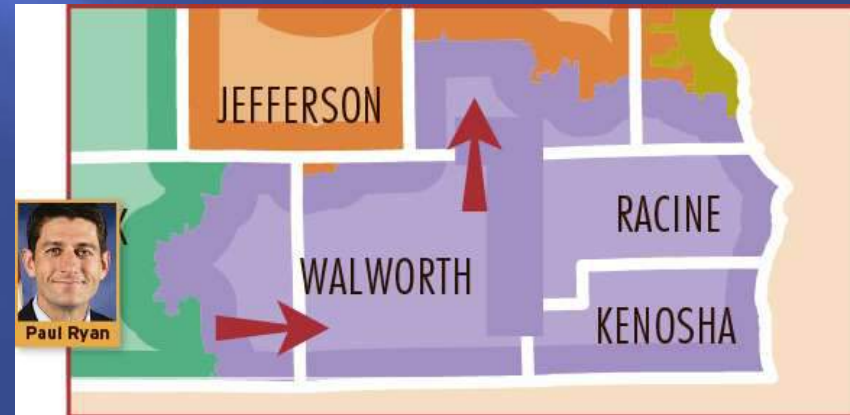


Anticipating the retirements of U.S. Reps. F. James Sensenbrenner and Tom Petri, GOP leaders Scott and Jeff Fitzgerald were the convenient recipients of a district line running between their homes, ensuring the brothers need not compete against each other for future congressional seats.



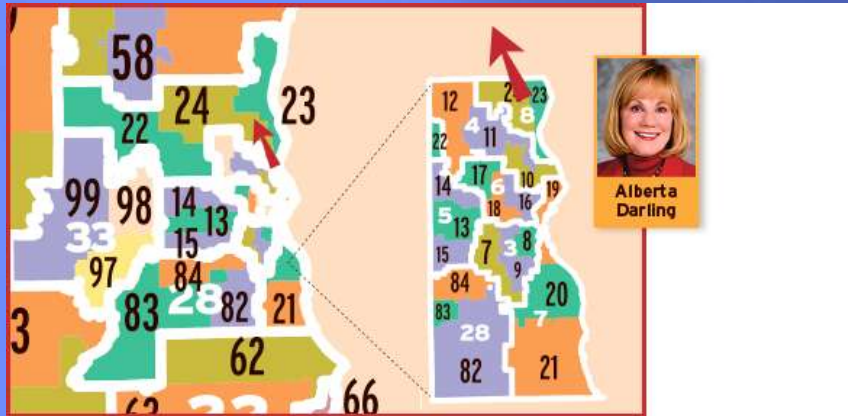
Senate recall challengers Fred Clark of Baraboo and Nancy Nusbaum of Brown County were drawn out of the districts they hoped to represent. If they had won they would have had to relocate before they could be reelected to the same seat.

To shore up U.S. Rep. Paul Ryan's district, the GOP kept a toe in Ryan's Janesville, cut loose more of Democratic Rock County and added some of Waukesha County's most conservative suburbs.



Other examples

One more....

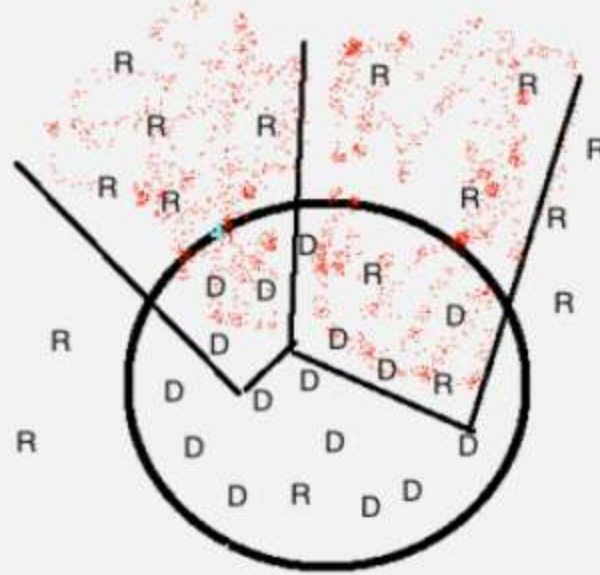


Sen. Alberta Darling's 8th District jettisoned liberal suburbs like Shorewood, where the effort to recall her was launched.

- Remember, however, that this practice is not new.
- And both parties have used it.
- In 2001, one democratic representative was not favored by the Democratic Senate Majority Leader.
- When the maps were drawn, he had been drawn out of his district by one block.
- It was the penalty for being independent of party leadership.

Here's another problem...

The city of Waukesha has a large number of Democrats, but the county has no Democratic representation in the Legislature.



How to keep cities from having representation

How were other municipalities affected?

- ▣ A number of municipalities and counties had to redraw their lines to account for the legislative map.
 - In Oshkosh, they had to reduce the number of aldermanic districts and change where people voted. That caused major confusion among voters.
- ▣ The city of Beloit has also been divided.
 - It is part of 2 Congressional districts – although 1 district includes only public land and no people.
 - It has 2 state senate and 2 assembly districts.
 - Because of the way the legislature drew the lines, one ward has only 54 registered voters and only one person who regularly votes in low turnout elections. The privacy of the vote for that person has been eliminated.
- ▣ Parts of Racine & Kenosha were combined.

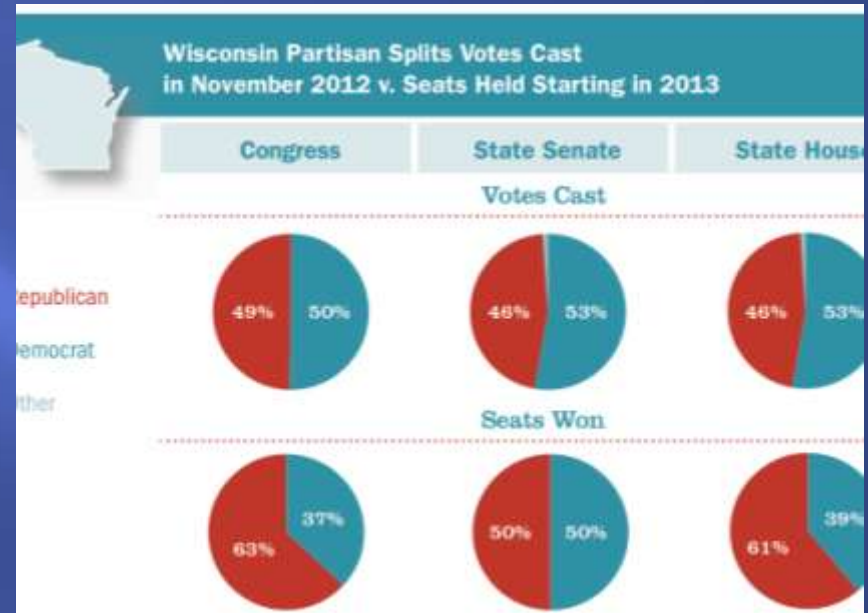
How were counties affected?

Monroe County – Western Wisconsin

- ▣ Population: 45,050 (less than 1 Assembly District)
- ▣ 2 Congressional Districts
- ▣ 3 State Senate Districts
- ▣ 3 Assembly Districts
- ▣ Small city of Tomah is divided between 2 State Senate & 2 Assembly Districts.
- ▣ No part of Monroe County is a majority of any of those districts.
- ▣ It has been orphaned. In any county-wide issue – from funding to education to natural resources, Monroe County does not naturally have an advocate in the legislature.

Remember what the results of Gerrymandering are...

- ❑ Fewer competitive districts.
- ❑ People whose votes don't count.
- ❑ People discouraged from running for office.
- ❑ Costly redistricting.
- ❑ Partisan, contentious, and unproductive governing
- ❑ It is unfair and undemocratic!



2012: Votes that Made No Difference

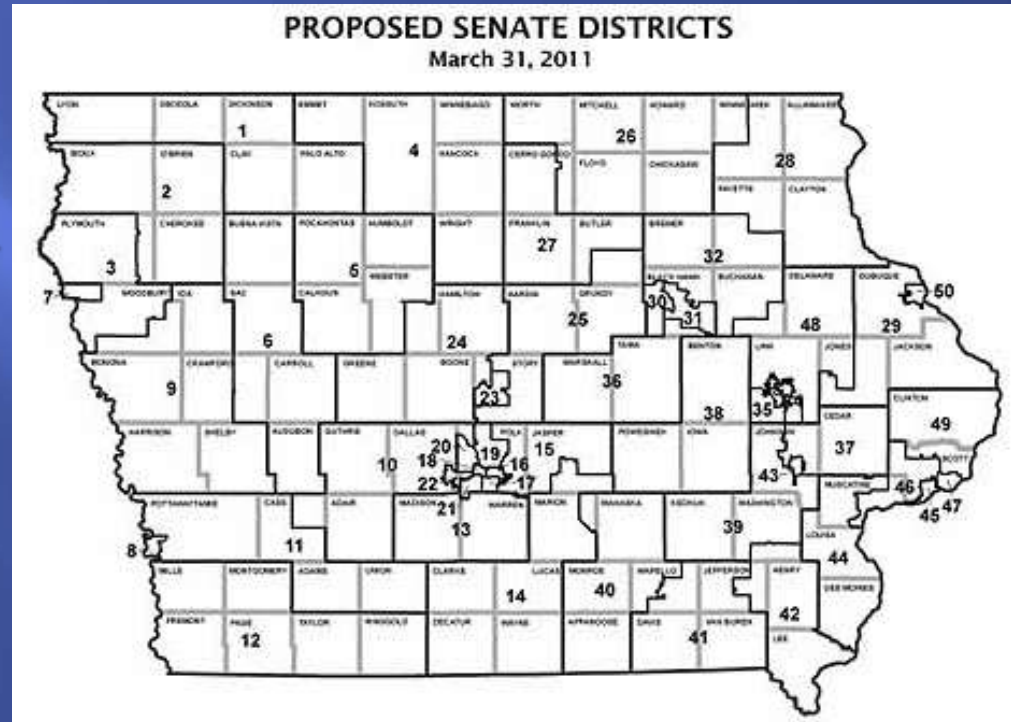
Can anything be done?

Is there another way to do this?

- ▣ **Six states – Arizona, Hawaii, Idaho, Montana, New Jersey, and Washington - use independent commissions to draw the lines. Arizona requires its commission to make as many districts as possible competitive. The legislatures still must vote on the maps, but the power to draw the lines is no longer in their hands.**
- ▣ **Indiana** employs a “fallback” commission if the legislature is unsuccessful in passing a congressional plan.
- ▣ The Commissions vary greatly from state to state in terms of make-up and are inconsistent in terms of having plans overturned by courts.
- ▣ Whether the commissions are less partisan depends on their design.

And then there's Iowa!

- Iowa uses their Legislative Services Bureau.
- They created clear criteria for how to draw the lines.
- They focus on keeping geographical entities like cities and counties together.
- Transparent process
- Minimum 4 hearings around the state



What is Iowa's track record under this method?



- ▣ It works!
- ▣ Adopted in 1980
- ▣ End results accepted by legislature – no court or legal costs
 - ▣ Absorbed in agency budget
 - ▣ Biggest expense is gas money used by staff to drive to public hearings
- ▣ Some of the most competitive districts in the country.

What about Wisconsin?

- ▣ Two bills propose a version of the Iowa model – AB185 & SB163.
 - Stalled in committee
- ▣ Wisconsin bills take into account the two states' differences
 - Population, diversity, geography



Proposed Redistricting process

- ▣ Legislative Reference Bureau (LRB) is in charge of drawing the maps
 - **Clear criteria**
- ▣ Establish a Redistricting Advisory Commission
 - **Conduct at least three hearings**
- ▣ Deliver plans by January 1 of the second year after the census
- ▣ Establishes deadlines & procedures for consideration by legislature – three tries for approval – up or down votes

Comparison to current maps

Redistricting maps compared

	Current	LRB
Counties split by congressional districts:	12	3
Senate districts split by congressional districts:	22	12
Minority-majority Senate districts*	1 black	2 black
Minority-majority Assembly districts*	3 black, 2 Hispanic	5 black, 2 Hispanic
Competitive districts**		
Congress:	0	2
State Senate:	1	5
Assembly:	15	22

*District with over 50% of a single minority group

**District decided by less than 10% of the vote. LRB totals projected from previous election results.

Imagine the Change

- ▣ Changing how we do redistricting will not solve all of our political problems.
- ▣ Constituents will finally have a real chance to hold their elected officials accountable.
- ▣ Elected officials will need to listen to you – even if you disagree.
- ▣ The political center will gain power.

Making the Change

1. **Ask our representatives and senators to back reform proposals – challenge them if they don't.**
2. **Ask them to press for hearings on the bills.**
3. **If hearings are held, help turn out citizens and officials of all political stripes to testify.**
4. **Voters need to make this an issue in the 2014 elections!**

This is a grassroots issue!

- ▣ The way Wisconsin redistricts is costly, harmful, and unfair to all of us!
- ▣ Or, as U.S. Rep. Reid Ribble, R-Appleton, described the process earlier this year in an interview on National Public Radio, *"We're at a place now in this country where voters are not picking their representatives anymore. Representatives through the gerrymandering process and redistricting are picking their voters."*

It's up to us!

- Senator Dale Schultz, R-Richland Center and Senator Tim Cullen, D-Janesville on February 10th held a “public meeting” in a packed room at the state Capitol.
- At the hearing, Schultz, who is not seeking reelection, said every candidate for state office should be asked about redistricting. Cullen, who is also stepping down, said it was an issue in which the public, not politicians, must take the lead.
- *“This is going to be a bottom-up solution, “ he told the crowd. “It will not come out of this building. It will come from all of you.”*

GOVERNMENT OF THE PEOPLE,
BY THE PEOPLE,
FOR THE PEOPLE,
SHALL NOT PERISH FROM THE EARTH.
Abraham Lincoln

A stable democracy is based on the principle of “consent of the governed.”
Fair and impartial redistricting is a critical part of living up to that principle.