



4201 N 27<sup>th</sup> St, 7<sup>th</sup> Floor N  
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[www.wisconsinvoices.org](http://www.wisconsinvoices.org)

## **SB 488 Public Hearing**

Good Morning, Mr. Chair & Committee Members:

I'm Jamie Lynn Crofts, the Policy Director for Wisconsin Voices, a nonpartisan nonprofit that works to protect democracy, teach advocacy, and build community. Wisconsin Voices emphatically supports an end to partisan gerrymandering in Wisconsin and the creation of an independent redistricting commission.

But amendments are needed to make this proposal a truly meaningful reform — and not simply a recreation of the current system with a couple of added steps.

I am here today neither to support or oppose this bill, but to suggest amendments to make it stronger, fairer, and better for all the people of our state.

### **I. Partisan Fairness Must Be Required**

First, any legislation purporting to create a fair or independent redistricting system must explicitly ban partisan gerrymandering; something this bill does not actually do.

Critically, every single requirement for the maps, except one, is mandatory. Population standards, district boundaries coinciding with ward and political subdivision boundaries, contiguousness, compactness, and the number of districts are all unquestionably required.

But when you get to the part of the bill about partisan gerrymandering, it doesn't actually say that our maps have to be nonpartisan. It says that "In preparing any plan, the legislative reference bureau shall be nonpartisan." At no other point does the bill require the final maps to exhibit partisan fairness.

If the legislature can do whatever it wants after round 2, and isn't barred from drawing maps to favor or disfavor a political party, all we are doing is making the redistricting process even more expensive for taxpayers than it already is.



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This is an easy fix. Under Section 2, § 4.007, insert a final requirement: “Certified maps shall not, when considered on a statewide basis, unduly favor or disfavor any political party.”

This is not the only flaw in the current bill, but it is the biggest.

## **II. Changing the LRB’s Proposed Maps**

For the same reasons, this legislation should not allow amendments to subsequent LRB bills if the first 2 LRB fail. Combined with the bill’s failure to ban partisan gerrymandering, I fail to see how the current proposal would leave the state better off than it is now.

The Assembly addressed this issue in Assembly Amendment 5, removing the provision that third and subsequent bills be subject to the ordinary rules of amendment.

## **III. Prison Gerrymandering**

Something that is all too often overlooked in these discussions is the effect of prison gerrymandering. Under Wisconsin law, people who are incarcerated are still considered residents of the place they call home, and will eventually return to. Yet we still count prisoners as residents of the places they happen to be imprisoned, giving outsized power and influence to the unincarcerated the people in those districts.<sup>1</sup>

This is also a racial justice issue. Wisconsin incarcerates its Black population at a higher rate than any other state except one. One in every 36 Black Wisconsinites is incarcerated. This can be seen in our census maps, which appear to show an African American population that is spread throughout the state, with some large pockets in rural areas. That’s because 31 areas identified as “African American communities” are actually jails or prisons.

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<sup>1</sup> Wisconsin law considers incarcerated people to be residents of their home addresses: a person’s residence is determined by “where the person’s habitation is fixed, without any present intent to move, and to which, when absent, the person intends to return.” (Wis. Stat. § 6.10).



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The outsized influence given to voters in districts which house prisons can be seen in Assembly District 53. Without the incarcerated population, the district would be 10% below its required size. This means every 90 residents of the 53rd District have the same influence as every 100 residents in other districts.

This discrepancy is even starker at the local level.

- 80% of a district in Juneau County is incarcerated. This gives every 20 residents of that district the same voice as 100 residents of any other ward.
- 75% of District 2 in Waupun County is incarcerated.
- 62% of Adams County's Districts 13 and 5 are incarcerated.
- 53% of a district in Juneau City is incarcerated.
- 51% of Jackson County's District 12 is incarcerated.

But Wisconsin isn't required to use this raw data to draw its maps. 18 states have already ended at least some aspects of prison gerrymandering — all this requires is a simple adjustment to the data to account for incarcerated populations before drawing their maps.<sup>2</sup>

#### **IV. Other Amendments**

Other amendments that should be added include:

A requirement that any vote must be bipartisan, which was included by the Assembly. A requirement of a 2/3 or 3/4 bipartisan supermajority would make the bill even stronger.

We also need more transparency. The public is understandably distrustful of our state's redistricting process. Particularly given our state's recent history and ongoing controversies, the redistricting process needs to be as open and transparent as possible. Language allowing the commission to exempt itself from our sunshine laws should be replaced with language making it clear that the commission's activities are covered by our open records act and open meetings act.

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<sup>2</sup> Prisoners of the Census, <https://www.prisonersofthecensus.org/models/chart.html>.



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The LRB should be required to establish the advisory commission during each redistricting cycle, not simply allowed to. Because the commission is charged with holding public hearings, it appears those public hearings could be avoided entirely if the LRB chooses not to appoint an advisory commission. Furthermore, the public hearings should be held *before* the first bill is sent to the legislature, not after.

Finally, the advisory commission should be required to create a public website that both provides information to the public about the redistricting process and accepts public comment and submission of communities of interest.

### **Conclusion**

I will be following up with each of your offices to provide more detail on the proposed amendments I'm suggesting. The current bill does not create a meaningful, fair, and independent redistricting system in Wisconsin. The current bill is not that. But it could.

Thank you for your time.