



4201 N. 27<sup>th</sup> St, 7<sup>th</sup> Floor

Milwaukee, WI 53216

414-226-4289

Jamie Lynn Crofts, Policy Director:

[jamie@wisconsinvoices.org](mailto:jamie@wisconsinvoices.org)

## Fairness

### Partisan Fairness

Issue: In its current form, the bill doesn't include an explicit provision that our maps must not unfairly benefit or harm any political party. Section 2, § 4.007 (6) lays out a nonpartisan process for the LRB to follow, but doesn't say anything about the final maps. Every other requirement in § 4.007 (constitutional & federal requirements, population standards, district boundaries, contiguousness, compactness, and number of districts) is a requirement for the final maps, not just the process. Codifying partisan fairness would ensure the maps don't unfairly benefit any party.

Proposal: Add to Section 2, § 4.007: "Certified maps shall not, when considered on a statewide basis, unduly favor or disfavor any political party."

### Bipartisan Vote (AA2)

The certified maps must pass the legislature in a bipartisan vote. Addressed by Assembly Amendment 2.

### Legislative Amendments to Maps (AA5)

The legislature cannot be allowed to amend the maps, or we will simply end up with a longer version of the current systems. Addressed by Assembly Amendment 5.

## Transparency & Public Participation

### Advisory Commission Transparency

Issue: The advisory commission cannot be allowed to exempt itself from our Public Records Law, included in Section 5, § 13.49 (4). Wisconsinites need to have faith in the redistricting process, and this kind of trust cannot be built if the people involved in drawing our maps are able to exempt all of their activities and communications from public disclosure. And if, for example, commission members are communicating with politicians, political parties, or lobbyists, that is something the public has a right to know.

Proposal: In Section 5, § 13.49 (4), remove the language allowing the commission to exempt itself from our open records laws and replace it with language clarifying that the Advisory Commission is subject to our Public Records Law, Wis. Stat. § 19.35.

### Public Hearings

Issue: Currently, the Advisory Commission is charged with holding public hearings after the first set of maps is to be delivered to the legislature. For public participation to be meaningful, the public hearings should be held before the maps are delivered, not after.

Proposal: In Section 5, § 13.49 3(c), replace "Upon delivery" to "Before delivery." ("Before delivery by the legislative reference bureau of an initial bill embodying a redistricting plan as required under s. 4.006 (1), do all of the following...")

Assembly Amendment 6 also improved public participation by increasing the number of hearings.

## **Transparency in the Process & Public Participation**

Issue: Currently, there is nothing in the bill requiring any information to be made public until after the LRB bills are presented to the legislature. There also appears to be no way for the public to submit its input, other than the public hearings.

Proposal: Insert language requiring the Advisory Commission to set up a website that describes the process, announces the dates and locations for public hearings, and allows the public to submit comments and maps with communities of interest.

## **Procedure**

### **What Happens if the Deadline is not Met?**

Issue: Currently, the bill is silent as to what will happen if the January 31 deadline is not met. This lack of clarity is troubling, and seems as if it could open the door to the legislature introducing maps of its own after the January 31 deadline.

Proposal: Insert language that the legislature may not approve any maps not submitted to them through the LRB process, or that the matter will go to the courts if the deadline is not met.

## **Prison Gerrymandering**

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Issue: Although Wisconsin law still considers incarcerated people to be residents of the place they will eventually return to.<sup>1</sup> Yet during redistricting, we still count prisoners based on where they are incarcerated. This gives outsized voting power to people in districts that happen to house large prisons and jails. For example, 80% of a local district in Juneau County is incarcerated. This gives every 20 residents of that district the same voice as 100 residents of any other ward.<sup>2</sup>

Although unaltered census data currently counts prisoners as residents of where they're imprisoned, states are not required to do so when drawing their 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>3</sup>

Proposal: Add language to Section 2, § 4.007 providing that the LRB will use adjusted census data to count prisoners at their lawful Wisconsin residence, not where they happen to be incarcerated.

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<sup>1</sup> Wis. Stat. § 6.10 (1), (7m).

<sup>2</sup> Wisconsin, Prison Gerrymandering Project. <https://www.prisonersofthecensus.org/wisconsin.html>

<sup>3</sup> “Quick-reference chart: State reforms ending prison gerrymandering,” The Prison Gerrymandering Project, Prisoners of the Census, <https://www.prisonersofthecensus.org/models/chart.html>; “States that Adjust the Census Data for Redistricting,” Redistricting Data Hub, <https://redistrictingdatahub.org/data/ongoing-data-projects/states-that-adjust-the-census-data-for-redistricting/>.