

Common Cause: Misguided State Supreme Court ruling for “least change” voting maps creates urgent need for redistricting reform

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“Iowa Model” Legislation Must Get a Public Hearing and Vote

The narrow, conservative 4 to 3 majority on the Wisconsin Supreme Court last week issued a **deeply flawed and completely misguided decision** regarding the criteria it says it will utilize to determine what Wisconsin’s state legislative and congressional district maps will look like for the next ten years. The 2021 redistricting process went to the state supreme court after Gov. **Tony Evers** vetoed the hyper partisan, extremely gerrymandered voting maps rammed through the Republican-controlled Wisconsin Legislature without a single Democratic vote, last month.

The G.O.P. maps, drawn in secret with almost no public input and without a single person (other than Assembly Speaker **Robin Vos** and State Senate Majority Leader **Devin LeMahieu**) speaking or registering in support of them at the October 28th public hearing, are an updated version of the maps passed by Republicans in 2011 when they perpetrated the most extreme and partisan gerrymander in the nation that year.

The conservative majority Wisconsin Supreme Court “opinion” last week, was deeply flawed and illogically reasoned — the work of ultra-right wing Justice **Rebecca Bradley**, whose completely fabricated concept of “least change” as the basis for adjudicating state legislative and congressional voting maps has no legitimate basis in either law or logic. Dissenting progressive Justice **Rebecca Dallet** pointed out that “no court in Wisconsin, state or federal, has ever adopted a least-change approach.” She went on to say, “The least-change principle is found nowhere in the Wisconsin or U.S. Constitutions.” [In other words, Rebecca Bradley](#)

concocted a brand new concept simply to support extreme Republican-gerrymandered voting maps.

Bradley also completely misinterpreted a U.S. Supreme Court majority decision three years ago in *Rucho v. Common Cause* in which Chief Justice **John Roberts** basically “punted” partisan gerrymandering to the states because he didn’t want federal courts playing such a major role in redistricting cases. But Bradley opined last week that the Wisconsin Supreme Court shouldn’t consider extreme partisanship in adjudicating state legislative and congressional voting maps because partisanship was a legislative matter, not one that courts ought to consider. That directly contradicts what Roberts and the conservative majority on the U.S. Supreme Court ruled — that it is precisely the province of state courts, like the Wisconsin Supreme Court, to judge, whether or not, a redistricting process is too partisan, unfair and/or unjust. Rebecca Bradley and the three other conservatives on the Wisconsin high court badly botched this decision.

The Wisconsin Supreme Court will consider redistricting proposals in December and in mid-January is likely to hear oral arguments before issuing a final determination of how the state legislative and congressional voting maps will look for the 2022 election and beyond. Whether or not and to what extent federal courts may intervene in this matter isn’t clear at the moment. But we shouldn’t expect that a federal court will contradict the misguided Wisconsin Supreme Court’s apparent intention to extend extreme partisan gerrymandering in Wisconsin for another decade.

What can be done to counter the disgust and dismay that most Wisconsinites feel right now about what the gerrymandered Republican majority in the Wisconsin Legislature and now, the conservative activists on the Wisconsin Supreme Court have done to defy the will of the people and extend and cement into place their rigged voting maps for another ten years? The answer is clear and simple. We must redouble our effort and determination to change the current corrupt *status quo*.

Obviously, the current redistricting process in Wisconsin is completely in need of reform, as we have been advocating for years now. The antidote to this poisonous gerrymandering has long resided in our neighbor to the west, Iowa, which adopted a fair, non-partisan [redistricting process](#) way back in 1980. And, it was put into place by a Republican Governor and a Republican-controlled Legislature there!

Legislation, with bipartisan support, to establish a similar process in Wisconsin, has been introduced in the last seven legislative sessions and has not received so much as a public hearing since 2009! **Here is what you can do: [contact both your State Senator and your State Representative and demand that they support the bipartisan redistricting reform legislation](#)** introduced in the

Wisconsin Legislature in June based on our neighboring state of Iowa's non-partisan redistricting process. [Senate Bill 389](#) and [Assembly Bill 395](#) is the "Iowa Model" legislation whose lead sponsors are State Sen. Jeff Smith and State Rep. Deb Andraca, who discussed the measures in the [August 17th CC/WI webinar](#).

It is simple and very easy to use the tool Common Cause developed to write to both your State Senator and your State Representative and demand a public hearing and then a vote on SB 389 and AB 395 in the weeks ahead, before the 2022 election season kicks into high gear. Take less than a minute and do it now, even if you have before. Repeating your demand for reform is effective and necessary. You will feel better for doing so!

Instead of despairing, be determined to take action and to demand change. That's the only way reform and change has ever occurred — in Wisconsin or in the nation. When circumstances looked most bleak, citizens rose up and channeled their frustration into positive action and, ultimately, change. What American cultural anthropologist Margaret Mead said nearly a century ago has never been more true than it is now, today: "Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has."

On Wisconsin! Forward.

Jay Heck

CC/WI Executive Director