

# Common Cause Wisconsin: Redistricting in Wisconsin in 2021

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Ten years ago this July, Wisconsin experienced the most partisan, secretive, costly (to taxpayers) and voter-unfriendly redistricting process of its state legislative and congressional districts in history. It was also the most hyper partisan gerrymander of voting maps of any state in the nation in 2011. That year marked the first time in sixty years that one political party controlled both chambers of the legislature and the governor's office during the redistricting process in our state and Republicans didn't hesitate to have legislative districts drawn by high-priced lawyers, in secret, created to their maximum partisan advantage as was possible.

The result was that less than 10 percent of Wisconsin's 99 Assembly districts and 33 State Senate districts have been even remotely competitive, offering voters no real choices in state legislative throughout the entire last decade. In the 2020 election, just two Assembly seats and one State Senate seat changed partisan political hands by voters. Results in the vast majority of the other state legislative elections had been pre-ordained by rigged voting district maps.

Is the redistricting process beginning this year looking any different than the 2011 gerrymander? In some ways, it is shaping up to be just as bad.

Just last week it was revealed that long-time [Republican Assembly Speaker Robin Vos and new G.O.P. State Senate Majority Leader Devin LaMahieu have secretly authorized more than \\$1 million in taxpayer funds](#) to pay pricey-out-of-state and Wisconsin lawyers to advise and defend them in drawing partisan voter maps this year and next during the upcoming redistricting process. Wisconsin taxpayers were bilked for more than \$4 million to devise and defend the utterly unfair, hyper partisan 2011 voter maps drawn in secret by Republicans. When it comes to using unlimited taxpayer money to gain political advantage, using our tax dollars is no problem, apparently. Never mind education, healthcare or COVID-19 relief. Partisan political advantage is the number one priority for Republican legislative leaders. These Republican leaders have not given any indication whatsoever that they are

willing to engage in a non-partisan redistricting process this year or next, such as our neighboring state of Iowa does, despite overwhelming public support for such an approach, including from over 60 percent of Wisconsin Republican voters in Marquette Law School's polling results.

But there are a few significant differences in the redistricting landscape this year from a decade ago. Most significantly is that fact that Wisconsin has "divided" state government with a Democratic Governor, Tony Evers, instead of Republican Scott Walker. Evers has vowed to veto partisan Republican voting maps instead of happily signing them as Walker did. And because the G.O.P. does not have "veto proof" majorities in either chamber of the Legislature, Vos and LeMahieu can't just "ram" their maps through and have them become law.

The Republicans could attempt to bypass the Governor and try to pass their maps through utilization of a "joint resolution," which is a way of making law without the approval of the governor. But almost sixty years ago the Wisconsin Supreme Court ruled against a Republican attempt to exclude the Governor in the adoption of voting maps and would likely do so again.

Gov. Evers has been very outspoken and supportive of non-partisan redistricting and called for increased transparency and stipulated that records from the 2021-22 redistricting process not be destroyed as they were after the 2011 process, in his recent budget address. [CC/WI joined our partner organizations of the Fair Maps Coalition in supporting the Governor's efforts on redistricting.](#)

Even more important have been the Governor's People's Maps Commission and the public hearings they have been holding throughout Wisconsin gathering the testimony of hundreds of citizens who overwhelmingly support a non-partisan redistricting process this year like Iowa's. Many CC/WI members have delivered testimony at these virtual events, including CC/WI Board members Penny Bernard Schaber of Appleton and Roger Utnehmer of Wausau. [The next public hearing, focusing on the voters in the 6th Congressional District, is this Thursday evening beginning at 5:30 PM.](#) CC/WI Board member Cal Potter of Sheboygan Falls, will testify. [The last public hearing, for voters in the 2nd Congressional District will be on Thursday, March 11th.](#) [For information on how to participate or to watch these hearings, go here.](#)

Testimony from experts and citizens at these hearings will form the basis for the People's Maps Commission to begin to draw voter maps of state legislative districts that [will provide the alternative to the partisan gerrymandered Republican voting maps](#) that the majority party is expected to produce, without public participation or scrutiny. The People's Maps Commission process should be fully transparent and open to public participation and inspection.

Providing added momentum and support to the non-partisan redistricting effort has been the passage in 28 Wisconsin counties of voter advisory referendums in favor of non-partisan redistricting for 2021-22, including in eleven that passed just this past November. These referendums have passed with remarkable majorities in every county and municipality. In April, referendums are on the ballot in Ashland, Polk and Richland Counties and in the City of Appleton. In addition, 56 of Wisconsin's 72 county boards have passed resolutions in support of ending partisan gerrymandering. Obviously, tremendous grass roots support and activism for non-partisan redistricting is deep and widespread. Forward!

In the courts, Republicans are attempting to short circuit the legal process. The ultra-right wing, Bradley Foundation-funded Wisconsin Institute for "Law & Liberty" (WILL), together with disgraced, former G.O.P. Assembly Speaker Scott Jensen last year petitioned the Wisconsin Supreme Court to adopt a rule that would make that court the sole arbiter of the gerrymandered Republican voting maps that they intend to pass this year or next. They want to exclude lower courts and federal courts, if they can, to gain a favorable ruling from the conservative majority on the Wisconsin Supreme Court.

Last November 30th, [CC/WI submitted written testimony](#) opposing this outrageous attempt to circumvent the normal legal process by WILL and Jensen to gain partisan advantage.

And in oral arguments on January 15th on the petition, even conservative WI Supreme Court Chief Justice Patience Roggensack and conservative Justice Brian Hagedorn [expressed great skepticism and reluctance about whether the state's highest court](#) should be the sole court to adjudicate the constitutionality of the redistricting process. A decision by the Wisconsin Supreme Court is forthcoming. What else will be different? The redistricting process will occur later this year (or next) than in 2011 because the Census count and its final report will not occur until September 30th. Why? Because of the dereliction of the Trump Administration to make the Census a priority and their insistence on not counting everyone who resides in the country for the sole purpose of gaining partisan advantage in redistricting.

That means that the Republican-controlled Legislature will not be able to announce their secret gerrymander plans until this Fall rather than in July, as they did in 2011. There is much for us to do before that happens. In sum, it looks as if redistricting this time around could be fairer and less partisan than it was a decade ago. Much of that will depend on the decision by the Wisconsin Supreme Court in the Will/Jensen petition to the court as well as how the court would rule if the G.O.P. Legislature were to attempt to bypass the Governor and pass their partisan voting maps by

joint resolution.

What you can do to make the redistricting process fairer in 2021/22:

First, contact both your State Representative and your State Senator and tell them to oppose using your taxpayer dollars to hire lawyers to defend rigged, gerrymandered voting maps. And on the same call or message, demand that they support the non-partisan redistricting process in the Iowa-model legislation that will be introduced this Spring in the legislature. (Enter your address and click “Find my Legislators” on the [WI Legislature Homepage](#) to find the contact information for your state legislators.)

Also, participate in the People’s Maps Commission public hearings and submit written or oral testimony.

Use the power of your vote when the Fair Maps referendum is on your ballot. Vote April 6th for the fair maps referendum if you live in one of the counties or municipalities where it is on the ballot in April.

And above all, never give up in this increasingly stronger quest to end partisan gerrymandering and have a fair, non-partisan process for Wisconsin.

Redistricting in Wisconsin can be fairer and better this time than in 2011. But only if we, the people, demand that it happen and make it so. On Wisconsin!