

WILL: WI Supreme Court selects race-neutral legislative maps

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The News: The Wisconsin Supreme Court [selected legislative maps](#) submitted by the Wisconsin Legislature in a 4-3 decision. The Wisconsin Supreme Court was required to review its March 2022 decision after the U.S. Supreme Court determined the maps submitted by Governor Evers, and selected by the Wisconsin Supreme Court, were racially gerrymandered, and violated the Constitution's equal protection guarantees.

Chief Justice Annette Ziegler, [writing for the majority](#), said, "the maps proposed by the Wisconsin Legislature are race neutral. The Legislature's maps comply with the Equal Protection Clause, along with all other applicable federal and state legal requirements. Further, the Legislature's maps exhibit minimal changes to the existing maps, in accordance with the least change approach we adopted... Therefore, we adopt the state senate and assembly maps proposed by the Legislature for the State of Wisconsin."

The Wisconsin Institute for Law & Liberty (WILL) [filed an original action](#) with the Wisconsin Supreme Court in August 2021 on behalf of Wisconsin voters who lived in malapportioned districts as a result of the 2020 census. The Court [assumed original jurisdiction](#) of the case in September 2021.

The Quote: WILL President and General Counsel, Rick Esenberg, said, "We are pleased that the Court recognized that our Constitution reserves race-based decision-making for the most extreme situations. The Governor did not justify his race-based redistricting. The Court was right to reject it."

Background: On March 3, a 4-3 majority on the Wisconsin Supreme Court [selected](#) new maps submitted by Governor Evers. Their reasoning was that the maps best met the 'least changes' criteria as well as requirements of the federal Voting Rights Act and other legal requirements.

On March 7, the Wisconsin Legislature and four Wisconsin voters represented by WILL [appealed](#) the maps to the U.S. Supreme Court. The appeal argued that

Governor Evers' maps are a racial gerrymander with the goal of "spreading" black voters among several legislative districts seeking a bare majority in each. The U.S. Constitution makes clear that any government action based on race is subject to strict scrutiny. The Wisconsin Supreme Court did not and could not have concluded that drawing districts based on race was required by federal law and satisfied strict scrutiny.

The appeal asked the Supreme Court to immediately stay the Wisconsin Supreme Court's order adopting the Governor's proposed maps and instead order adoption of the Legislature's maps while the Supreme Court reviews the merits of the case. Ultimately, the appeal sought reversal of the Wisconsin Supreme Court's decision as inconsistent with the Equal Protection Clause.

The U.S. Supreme Court [decision](#) on March 23, reversed the Wisconsin Supreme Court's selection of the Governor's state legislative maps. The court made clear that race-based decision making is highly disfavored and can only be countenanced in extremely narrow circumstances.

Following that decision, the Wisconsin Supreme Court selected the Legislature's proposed maps.

Read More:

- [Wisconsin Supreme Court Decision](#), April 15, 2022

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