

FILED
02-08-2024
CLERK OF WISCONSIN
SUPREME COURT

IN THE SUPREME COURT OF WISCONSIN
SUPREME COURT CASE NO. 23AP1399

Rebecca Clarke, Ruben Anthony, Terry Dawson,
Dana Glasstein, Ann Groves-Lloyd, Carl Hujet, Jerry Iverson,
Tia Johnson, Angie Kirst, Selika Lawton, Fabian Maldonado,
Annemarie McClellan, James McNett, Brittany Muriello,
Ela Joosten (Pari) Schils, Nathaniel Slack,
Mary Smith-Johnson, Denise Sweet and Gabrielle Young,

Petitioners,

Governor Tony Evers in his official capacity, Nathan Atkinson,
Stephen Joseph Wright, Gary Krenz, Sarah J. Hamilton,
Jean-Luc Thiffeault, Somesh Jha, Joanne Kane and
Leah Dudley,

Intervenors-Petitioners,

Wisconsin Elections Commission, Don Millis,
Robert F. Spindell, Jr., Mark L. Thomsen, Ann S. Jacobs,
Marge Bostelmann, Carrie Riepl, in their official capacities as
Members of the Wisconsin Election Commission;,
Meagan Wolfe in her official capacity as the Administrator of the
Wisconsin Elections Commission; Andre Jacque, Tim Carpenter,
Rob Hutton, Chris Larson, Devin LeMahieu, Stephen L. Nass,
John Jagler, Mark Spreitzer, Howard Marklein,
Rachael Cabral-Guevara, Van H. Wanggaard, Jesse L. James,
Romaine Robert Quinn, Dianne H. Hesselbein, Cory Tomczyk,
Jeff Smith and Chris Kapenga in their official capacities as
Members of the Wisconsin Senate,

Respondents,

Wisconsin Legislature, Billie Johnson, Chris Goebel, Ed Perkins,
Eric O'Keefe, Joe Sanfelippo, Terry Moulton, Robert Jensen,
Ron Zahn, Ruth Elmer and Ruth Streck,

Intervenors-Respondents.

**BRIEF BY AMICUS, FOREVER WISCONSIN,
COMMENTING ON THE ANALYSIS OF EXPERTS ON
REDISTRICTING MAPS SUBMITTED TO THE COURT**

Dated: This 8th day of February, 2024.

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INTRODUCTION

The Court's experts have provided a solid analysis related to majoritarian concordance which this Amica has used to evaluate the proposed maps and propose revisions to the Wright map which dramatically improve its adherence to the majoritarian concordance principle. Our analysis also concludes that the only two maps which should be considered further by the Court are the Clark and Wright maps.

The Court's experts also determined that at least four of the maps before the Court meet the other constitutional standards required and we will therefore confine our remarks to improving majoritarian concordance for the 2024 election in the state Senate in two of those maps.

ARGUMENT

The voters of Wisconsin have been denied any reasonable opportunity to elect a majority in the State Senate and Assembly which reflects their collective judgment regarding which party should have a majority in each house. The Court appointed experts clearly describe the significant partisan bias of both the current map as well as the similar maps proposed by the Legislature and the Johnson intervenors.

This denial of fundamental voting rights should not be allowed to stand for even one more election and the Court's decision should reflect this reality.

Given the Court's experts review which found that all of the basic constitutional requirements are met by four separate maps, majority concordance is essential in choosing among these maps and adjusting boundaries and numbers within these maps.

MAJORITARIAN CONCORDANCE AND THE WRIGHT MAP

While we believe the Wright map is the most politically neutral, giving either party an opportunity at a majority in either the Senate or Assembly in 2024, with some modest changes it can be improved upon. Most notable, the degree of Majoritarian Concordance can be increased with some modest changes making it even more politically neutral. Our analysis and proposed changes are as follows.

In consideration of the expert report by Grofman and Cervas we sought to improve the map to better reflect the majoritarian concordance analysis results. While the original Wright map for the State Senate followed the statewide results

in eight of 13 electors (61.5%) our revised demonstrative map now also adds the elections for Governor in 2018 and for Attorney General in 2018 to the set of elections for State Senate which follow the statewide results. (Most likely the map now follows majoritarian concordance for Treasurer and Secretary of State in 2018 through amici did not have complete data sets for those elections.) The majoritarian concordance would now be at least 76.9% for the modified Wright map. In making these changes the other measures of partisan bias should have decreased (improved) slightly as well.

The changes necessary to increase these metrics are achieved by adjusting the lines around Senate Districts in: Green Bay, Appleton and the Fox Valley, Racine, Kenosha and the Milwaukee suburbs, and the Northern 25th Senate Districts.

The demonstrative senate map reflecting these changes presented by the amici can be viewed via Dave's Redistricting at: <https://davesredistricting.org/join/de3019f3-47ef-4e45-8369-114e8fa52298>.

SENATE DISTRICT RENUMBERING

In order for gerrymandering effects be eliminated with the 2024 election, renumbering of Senate districts is essential for the voters of Wisconsin to have an opportunity to vote under a truly political neutral map in this fall's election.

We provide modest, specific recommendations for renumbering in both the Clark map and the Wright map to achieve this essential objective.

As described previously, the Clarke map would benefit from some simple exchange of district numbers in the State Senate. The numbers on Senate District 17 and 14 should be swapped, as should the numbers on Senate District 2 and 13.

Without these renumber changes, the Clarke map would continue the injustice of the previously gerrymandered maps for voters for another two years.

To ensure that the 2024 elections allow either party an equal opportunity (in a closely divided state) to claim the majority the Wright map should be renumbered as follows:

Original Wright Senate District Number	Proposed new Senate District Number
5	8
8	20
20	18
18	13
13	5

MODIFICATIONS TO CLARKE MAP

In regards to the Clarke map there is still the need, and opportunity, to modify the map to create an additional competitive district in the Racine area and going up into Milwaukee County. Several of the submitted maps create districts along these lines and we offer again our example maps to illustrate this option:

<https://davesredistricting.org/join/c215b366-f7be-4e96-9ec5-cf78160e3a91>.

Both the Wright map, the Senate Democrats map, as well as the Governors map all provide for this additional, highly competitive district in the Racine and Milwaukee County area. It would be a failure to adopt a map which missed a chance to provide for that district which would increase the

opportunity for either party to achieve a majority in the State Senate.

CONCLUSION

This Amici agrees with the emphasis which the Court's experts place on majority concordance given the compliance with constitutional principles by four maps in front of the court.

Although we continue to believe that both the Clark and Wright maps, with appropriate Senate renumbering, meet the fundamental constitutional and other legal obligations required of the Court, the Wright map, with modest Senate and assembly boundary changes, will best meet, by a considerable margin, the majoritarian concordance analysis which the Court's experts have properly placed before the Court.

How wonderful for the voters of Wisconsin, if their Supreme Court could take the most gerrymandered state legislative maps in the United States and turn them into among the most politically neutral maps, while respecting and adhering to all constitutional and other legal requirements in the state of Wisconsin.

This case provides that opportunity and compels that result.

Dated: This 8th day of February, 2024.

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