

IN THE SUPREME COURT OF WISCONSIN
No. 2021AP1450-OA

Billie Johnson, Eric O'Keefe, Ed Perkins and Ronald Zahn,
Petitioners,

Black Leaders Organizing for Communities, Voces de la Frontera, League of Women Voters of Wisconsin, Cindy Fallona, Lauren Stephenson, Rebecca Alwin, Congressman Glenn Grothman, Congressman Mike Gallagher, Congressman Bryan Steil, Congressman Tom Tiffany, Congressman Scott Fitzgerald, Lisa Hunter, Jacob Zabel, Jennifer Oh, John Persa, Geraldine Schertz, Kathleen Qualheim, Gary Krenz, Sarah J. Hamilton, Stephen Joseph Wright, Jean-Luc Thiffeault, and Somesh Jha,

Intervenors-Petitioners,

v.

Wisconsin Elections Commission, Marge Bostelmann in her official capacity as a member of the Wisconsin Elections Commission, Julie Glancey in her official capacity as a member of the Wisconsin Elections Commission, Ann Jacobs in her official capacity as a member of the Wisconsin Elections Commission, Dean Knudson in his official capacity as a member of the Wisconsin Elections Commission, Robert Spindell, Jr. in his official capacity as a member of the Wisconsin Elections Commission and Mark Thomsen in his official capacity as a member of the Wisconsin Elections Commission,

Respondents,

The Wisconsin Legislature, Governor Tony Evers, in his official capacity, and Janet Bewley Senate Democratic Minority Leader, on behalf of the Senate Democratic Caucus,

Intervenors-Respondents.

Original Action in the Wisconsin Supreme Court

MOTION TO FILE A CORRECTED VERSION OF THEIR
PROPOSED REMEDIAL LEGISLATIVE MAPS BY INTERVENOR-
PETITIONERS BLACK LEADERS ORGANIZING FOR
COMMUNITIES, VOCES DE LA FRONTERA, LEAGUE OF

WOMEN VOTERS OF WISCONSIN, CINDY FALLONA, LAUREN
STEPHENSON & REBECCA ALWIN

Douglas M. Poland
State Bar No. 1055189
Jeffrey A. Mandell
State Bar No. 1100406
Colin T. Roth
State Bar No. 1103985
Rachel E. Snyder
State Bar No. 1090427
Richard A. Manthe
State Bar No. 1099199
Carly Gerads
State Bar No. 1106808
STAFFORD ROSENBAUM LLP
222 West Washington Ave., #900
P.O. Box 1784
Madison, WI 53701-1784
dpoland@staffordlaw.com
jmandell@staffordlaw.com
croth@staffordlaw.com
rsnyder@staffordlaw.com
rmanthe@staffordlaw.com
cgerads@staffordlaw.com
608.256.0226

Mel Barnes
State Bar No. 1096012
LAW FORWARD, INC.
P.O. Box 326
Madison, WI 53703-0326
mbarnes@lawforward.org
608.535.9808

Mark P. Gaber*
Christopher Lamar*
Simone T. Leeper*
CAMPAIGN LEGAL CENTER
1101 14th St. NW Suite 400
Washington, DC 20005
mgaber@campaignlegal.org
clamar@campaignlegal.org
sleeper@campaignlegalcenter.org
202.736.2200

Annabelle Harless*
CAMPAIGN LEGAL CENTER
55 W. Monroe St., Ste. 1925
Chicago, IL 60603
aharless@campaignlegal.org
312.312.2885

*Counsel for Intervenor-Petitioners,
Black Leaders Organizing for
Communities, Voces de la Frontera,
the League of Women Voters of
Wisconsin, Cindy Fallona, Lauren
Stephenson, and Rebecca Alwin*

*Admitted *pro hac vice*

Pursuant to the Court's November 17, 2021 Order, the BLOC Petitioners respectfully move for leave to file technical corrections to their proposed Assembly and Senate plans for the following reasons:

1. As BLOC Petitioners explained in their response brief and supporting expert report (BLOC Resp. Br. 49 n.11; BLOC Resp. App. 024), some technical errors were discovered in their proposal regarding how Census Blocks were assigned to districts. A Census Block is the smallest geographic area for which the Census Bureau collects decennial census data and is formed by streets, roads, railroads, streams, other physical features, and legal boundaries. It is the smallest unit into which a proposed apportionment map can be subdivided.

2. In BLOC Petitioners' initial submission, some Census Blocks with zero population (*i.e.* those in which no people actually live) were inadvertently assigned to the wrong district. These types of unpopulated Census Blocks are created

when the Census Bureau designates as a Census Block a segment of road or a waterway in which no people actually reside. The vast majority of the Census Block assignment errors in the BLOC Petitioners' original submission involved these types of unpopulated Census Blocks.

3. These errors had the effect of creating the artificial appearance of municipal splits where none were intended and which affect no actual people. This can be seen from the report of the Legislature's expert Mr. Bryan, who reports numerous municipal splits in the BLOC Petitioners' plan that affect zero population. (Bryan Resp. Rpt. at 81) This can inadvertently occur when redistricting software shows misaligned ward and municipal boundaries.

4. In a few instances, a small number of people are affected, mostly where BLOC Petitioners incorrectly identified municipal islands in their initial submission, which can be difficult to differentiate given overlapping ward boundaries.

5. To correct these technical errors, the attached map makes the changes noted in the chart below, with “C” representing a city, “V” representing a village, and “T” representing a town, and the “Original Split” column identifying the assembly district and the affected population in brackets. The chart identifies where population is affected.

6. These corrections eliminate 27 unintended municipal splits in BLOC Petitioners’ assembly proposal and 20 unintended municipal splits in their senate proposal. With these removed from Mr. Bryan’s accounting of BLOC Petitioners’ proposals’ municipal splits (Assembly: 104, Senate: 73), he and BLOC Petitioners’ expert Dr. Mayer now show the same number of splits in BLOC Petitioners’ proposals: 77 in the assembly proposal and 53 in the senate plan.¹

¹ Dr. Mayer’s Rebuttal Report reported 52 municipal splits in BLOC Petitioners’ senate plan, but he inadvertently excluded from his count the

7. In total, these corrections move just 238 people statewide. Correcting these unintended splits also resolves their occurrence in the senate plan. It has no effect on either the overall population deviation or core retention of BLOC Petitioners' proposal.

Municipality	Original Split	Technical Correction
Brown Co., Allouez (V)	AD4 [14,156] AD90 [0]	Remove AD90
Brown Co., De Pere (C)	AD2 [14,655] AD4 [11] AD5 [0] AD88 [10,744]	Remove AD5. AD4 remains to stay consistent with existing plan.
Brown Co., Lawrence (T)	AD2 [0] AD5 [6,306]	Remove AD2
Chippewa Co., Wheaton (T)	AD67 [2,759] AD91 [0]	Remove AD91
Dane Co., Burke (T)	AD37 [3,265] AD46 [0]	Remove AD46
Dane Co., Dunkirk (T)	AD38 [0] AD43 [1,881]	Remove AD38
Dane Co., Rutland (T)	AD38 [0] AD43 [1,977]	Remove AD38
Dane Co., Stoughton (C)	AD38 [13,173] AD43 [0]	Remove AD43

Village of Bellevue in Brown County, which is split between SD1 and SD30 in BLOC Petitioners' senate plan.

Municipality	Original Split	Technical Correction
Dane Co., Sun Prairie (C)	AD37 [48] AD46 [35,919]	Remove AD37; adds 48 people to AD46
Dane Co., Verona (T)	AD78 [0] AD79 [0] AD80 [1,947]	Remove AD78 and AD79
Eau Claire Co., Altoona (C)	AD68 [8,278] AD93 [15]	Remove AD93; adds 15 people to AD68
Eau Claire Co., Union (T)	AD91 [0] AD93 [2,696]	Remove AD91
Fond Du Lac Co., Ripon (C)	AD41 [7,806] AD53 [57]	Remove AD53; adds 57 people to AD41
Green Co., New Glarus (T)	AD51 [1,393] AD80 [0]	Remove AD80
Jefferson Co., Farmington (T)	AD33 [1,407] AD39 [0]	Remove AD39
Kenosha Co., Kenosha (C)	AD61 [3] AD64 [46,450] AD65 [53,533]	Remove AD61
Kenosha Co., Pleasant Prairie (V)	AD61 [15,606] AD64 [0] AD65 [5,644]	Remove AD64
Kenosha Co., Somers (T)	AD61 [160] AD64 [832]	Move Census Block 550590006016023 from AD64 to AD61, adds 14 people from AD64 to AD61

Municipality	Original Split	Technical Correction
La Crosse Co., Holmen (V)	AD94 [10,661] AD95 [0]	Remove AD95
La Crosse Co., Onalaska (C)	AD94 [18,803] AD95 [0]	Remove AD95
Marathon Co., Rib Falls (T)	AD86 [0] AD87 [947]	Remove AD86
Milwaukee Co., Wauwatosa (C)	AD13 [28,687] AD14 [7,765] AD17 [11,935] AD18 [0]	Remove AD18
Outagamie Co., Appleton (C)	AD3 [7] AD55 [1,012] AD56 [26,251] AD57 [35,629]	Remove AD3; adds 3 people to AD57
Outagamie Co., Buchanan (T)	AD3 [6,857] AD57 [0]	Remove AD57
Portage Co., Almond (V)	AD71 [424] AD72 [0]	Remove AD72
Sheboygan Co., Sheboygan (C)	AD26 [49,912] AD60 [17]	Remove AD60; adds 17 people to AD26
Sheboygan Co., Sheboygan (T)	AD26 [2] AD27 [8,134]	Remove AD26; adds 2 people to AD27
Sheboygan Co., Wilson (T)	AD26 [1,961] AD27 [0] AD60 [2,523]	Remove AD27
Walworth Co., Darlen (T)	AD31 [1,613] AD32 [38]	Remove AD32; adds 38 people to AD31

Municipality	Original Split	Technical Correction
Washington Co., Kewaskum (V)	AD58 [13] AD59 [4,296]	Remove AD58; adds 13 people to AD59
Waukesha Co., Lisbon (T)	AD22 [3,559] AD98 [6,918] AD99 [0]	Remove AD99
Waukesha Co., Merton (T)	AD98 [0] AD99 [8,277]	Remove AD98
Waukesha Co., Muskego (C)	AD82 [16,496] AD83 [8,536] AD84 [0]	Remove AD84
Waukesha Co., Wales (V)	AD97 [0] AD99 [2,862]	Remove AD97
Waukesha Co., Waukesha (C)	AD84 [0] AD97 [53,805] AD98 [17,353]	Remove AD84
Waukesha Co., Waukesha (T)	AD83 [31] AD84 [3,232] AD97 [5,194]	Remove AD83; adds 31 people to AD84
Winnebago Co., Menasha (C)	AD55 [0] AD57 [15,261]	Remove AD55
Winnebago Co., Oshkosh (T)	AD53 [2,219] AD54 [220] AD55 [0]	Remove AD55
Winnebago Co., Winneconne (V)	AD53 [0] AD56 [2,544]	Remove AD53

8. The attached Exhibits A (assembly) and B (senate) identify each Census Block affected by the corrections

and identifies its district assignment in BLOC Petitioners' initial submission and its district assignment in this corrected map.

9. Attached as Exhibit C is a set of maps that reflect the technical corrections in BLOC Petitioners' assembly proposal, and attached as Exhibit D is a set of maps that does the same for their senate proposal.

10. BLOC Petitioners are authorized to represent that the Wisconsin Elections Commission and the Congressmen take no position on this motion and that the Johnson Petitioners, the Hunter Intervenors, Governor Evers, and Senator Bewley do not oppose this motion. The Legislature has indicated that it will not oppose the introduction of a map with technical corrections based on the shared understanding that BLOC Petitioners' expert, Prof. Kenneth Mayer, will be providing a short supplemental report updating numbers from his past report to reflect BLOC

Petitioners' corrected map. BLOC Petitioners have agreed to provide this supplemental material by the end of this week.

11. In seeking the parties' consent, BLOC Petitioners provided them a draft of this motion, Exhibits A–D to this motion, and the data underlying the corrected proposals (i.e. CSV and shapefiles).

12. The Citizen Data Scientists alone oppose this motion to correct technical errors.

For the foregoing reasons, BLOC Petitioners respectfully request that the Court grant this Motion.

Dated: January 4, 2022.

By Electronically signed by Douglas M. Poland
Douglas M. Poland, SBN 1055189
Jeffrey A. Mandell, SBN 1100406
Colin T. Roth, SBN 1103985
Rachel E. Snyder, SBN 1090427
Richard A. Manthe, SBN 1099199
Carly Gerads, SBN 1106808
STAFFORD ROSENBAUM LLP
222 West Washington Avenue, Suite 900
P.O. Box 1784

Madison, WI 53701-1784
dpoland@staffordlaw.com
jmandell@staffordlaw.com
croth@staffordlaw.com
rsnyder@staffordlaw.com
rmanthe@staffordlaw.com
cgerads@staffordlaw.com
608.256.0226

Mel Barnes, SBN 1096012
LAW FORWARD, INC.
P.O. Box 326
Madison, WI 53703-0326
mbarnes@lawforward.org
608.535.9808

Mark P. Gaber*
Christopher Lamar*
Simone T. Leeper*
CAMPAIGN LEGAL CENTER
1101 14th St. NW Suite 400
Washington, DC 20005
mgaber@campaignlegal.org
clamar@campaignlegal.org
sleeper@campaignlegalcenter.org
202.736.2200

Annabelle Harless*
CAMPAIGN LEGAL CENTER
55 W. Monroe St., Ste. 1925
Chicago, IL 60603
aharless@campaignlegal.org
312.312.2885

**Admitted pro hac vice*

*Attorneys for Intervenor-Petitioners, Black
Leaders Organizing for Communities,
Voces de la Frontera, the League of
Women Voters of Wisconsin, Cindy
Fallona, Lauren Stephenson, and Rebecca
Alwin*

EXHIBIT A

User:

Plan Name: **Least Changes 19 Tech Corrections**

Plan Type:

Plan Comparison Report

Monday, January 3, 2022

2:27 PM

Block	District in This Plan	District in Plan "Least Changes Final Submission"
550099400082028	5	2
550590028021062	64	61
551390009001047	53	55
550630104042034	94	95
550630104042001	94	95
550630104042032	94	95
550630104041035	94	95
550630104042064	94	95
550630104042033	94	95
550630104042005	94	95
550350004024002	68	93
550350015002051	93	91
550350013001057	93	91
550170104003065	67	91
550350013002034	93	91
550350013001075	93	91
550350015002091	93	91
550350015002097	93	91
550350003025002	68	93
551332038051031	99	97
550250108012009	80	78
551332017013004	83	84
551332024001009	84	83
551332024001021	84	83
551332024001019	84	83
551332024001020	84	83
551332013004010	97	83
551332021031010	97	84
551332021031003	84	83
550459602003001	51	80
550250122011013	38	43
550250124002003	43	38
550250122021027	43	38
550250124002000	43	38
550250124002019	43	38
550250108012008	80	78
550250005043033	80	79

Plan Comparison Report

Least Changes 19 Tech Correc

Block	District in This Plan	District in Plan "Least Changes Final Submission"
550250114052022	37	46
550250115061010	46	37
550250115061024	46	37
550250115042036	46	37
550250115042063	46	37
550250114052023	37	46
551270007012027	31	32
551270007013030	31	32
551270007013028	31	32
551270007012024	31	32
551270007012025	31	32
551270007013033	31	32
551270007013014	31	32
551332021031022	84	83
550551007001010	33	39
550390415001017	41	53
551314101004018	59	58
551332034051044	99	98
551332034051024	98	99
550730023023053	87	86
550979613003059	71	72
551390022012039	56	53
550870106012011	3	57
551390029001002	57	55
551390027001011	57	55
551390030001007	57	55
550870106012013	57	3
551390026021000	57	55
551390026023003	57	55
551390025004021	57	55
550099400071006	2	5
550099400082030	5	2
550590006016048	64	61
550590006016045	64	61
550590026031023	61	64
550590026031025	61	64
550590028021053	64	61
550590028021055	64	61
550590027001071	64	61
550590006016040	64	61
550590006015024	64	61
550590006015051	64	61

Plan Comparison Report

Least Changes 19 Tech Correc

Block	District in This Plan	District in Plan "Least Changes Final Submission"
550590006016023	61	64
550790912001014	17	18
551170003004006	27	26
551170107001032	27	26
551170108002049	26	60
551170108001049	26	60
551170010004002	26	27
550090208002006	4	90
550090208002005	4	90

EXHIBIT B

User:

Plan Name: **least change 19 senate**

Plan Type:

Plan Comparison Report

Monday, January 3, 2022

5:14 PM

Block	District in This Plan	District in Plan "bloc senate final 12 15 21"
550099400082028	2	1
550590028021062	22	21
551390009001047	18	19
550350004024002	23	31
550170104003065	23	31
550350003025002	23	31
550250108012009	27	26
551332021031029	33	28
551332013004010	33	28
551332021031010	33	28
550459602003001	17	27
550250122011013	13	15
550250124002003	15	13
550250122021027	15	13
550250124002000	15	13
550250124002019	15	13
550250108012008	27	26
550250114052022	13	16
550250115061010	16	13
550250115061024	16	13
550250115042036	16	13
550250115042063	16	13
550250114052023	13	16
550551007001010	11	13
550390415001017	14	18
551390022012039	19	18
550870106012011	1	19
550870106012013	19	1
550099400071006	1	2
550099400082030	2	1
550590006016048	22	21
550590006016045	22	21
550590026031023	21	22
550590026031025	21	22
550590028021053	22	21
550590028021055	22	21
550590027001071	22	21

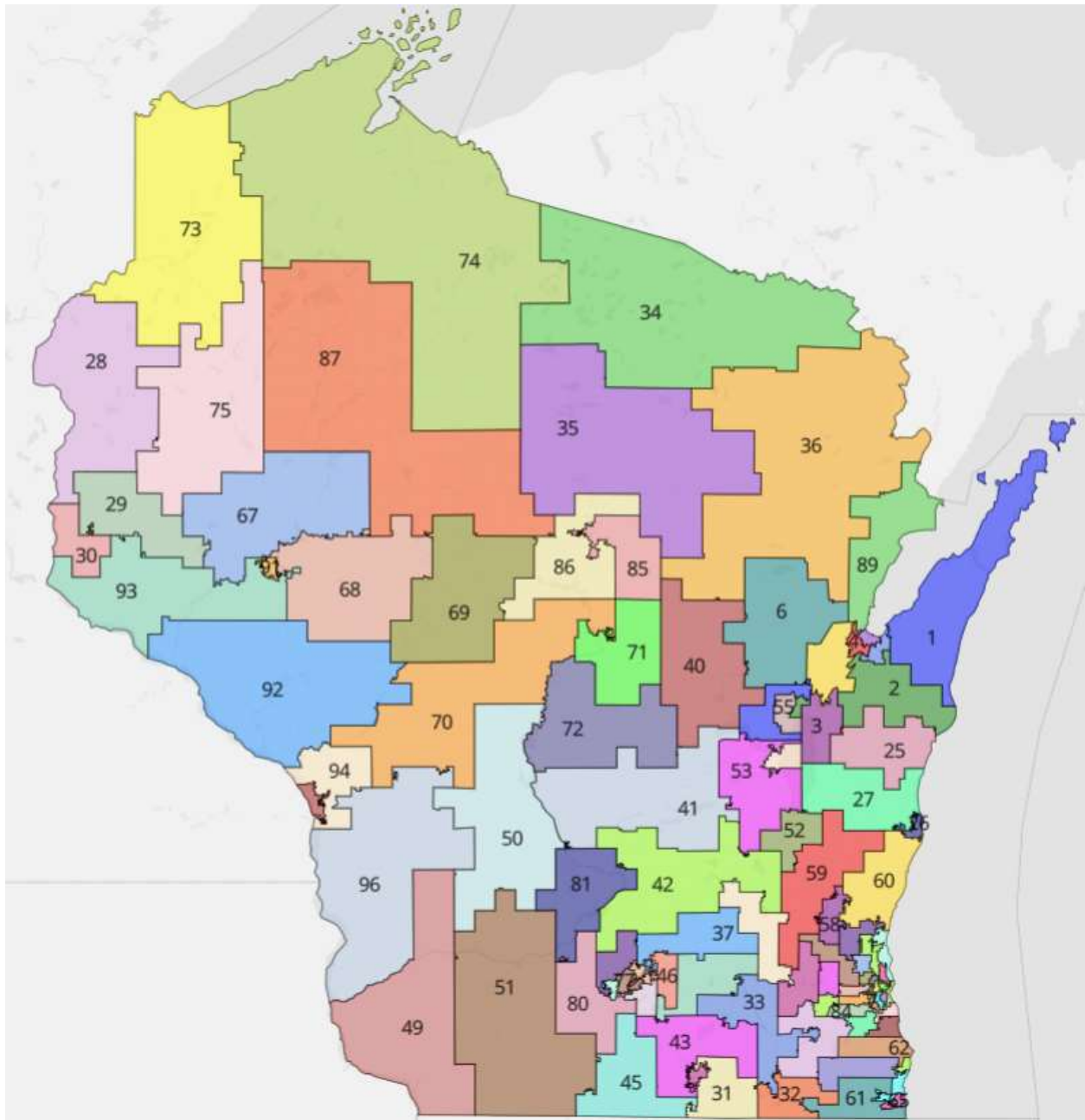
Plan Comparison Report

least change 19 senate

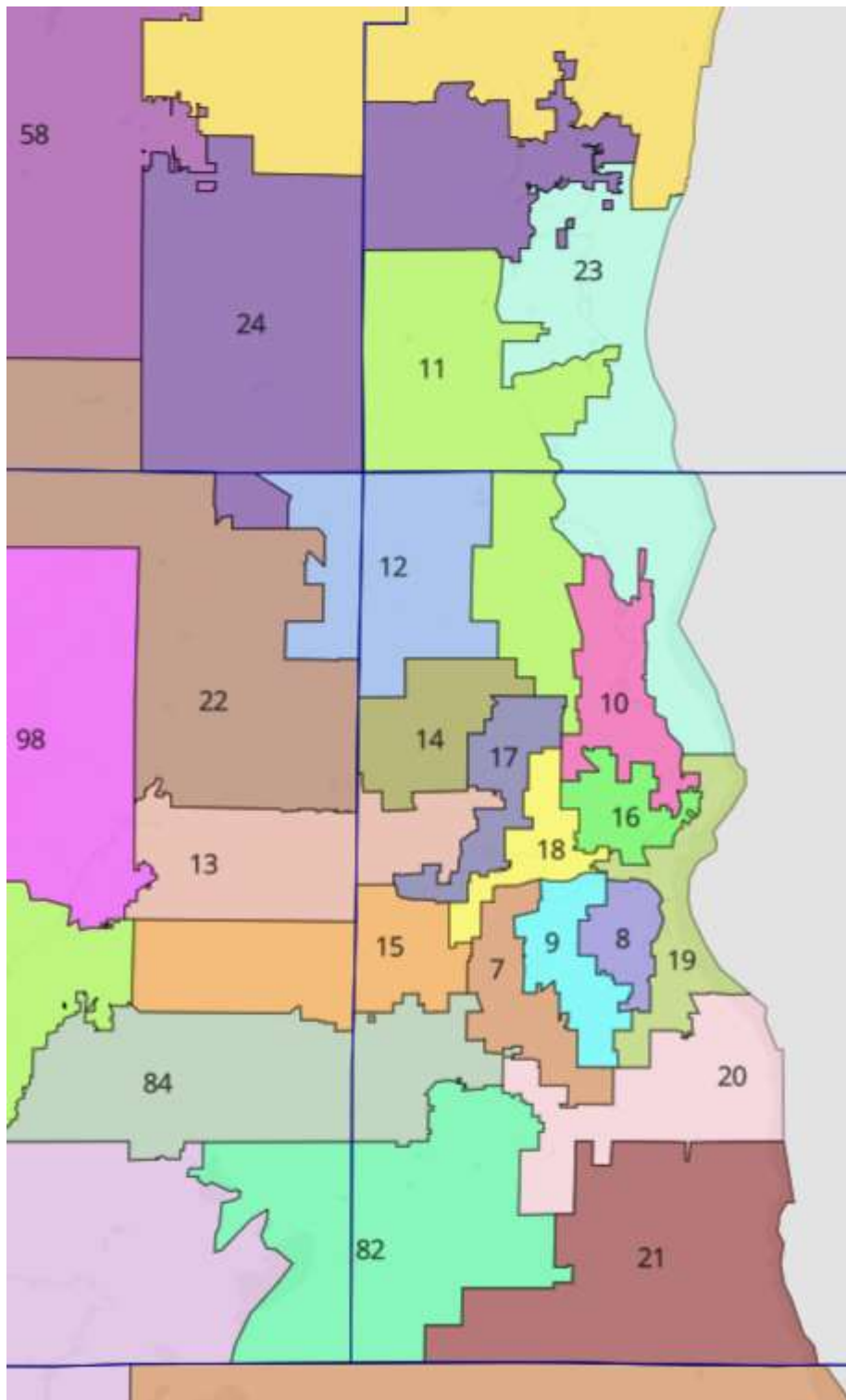
Block	District in This Plan	District in Plan "bloc senate final 12 15 21"
550590006016040	22	21
550590006015024	22	21
550590006015051	22	21
550590006016023	21	22
551170108002049	9	20
551170108001049	9	20
550090208002006	2	30
550090208002005	2	30

EXHIBIT C

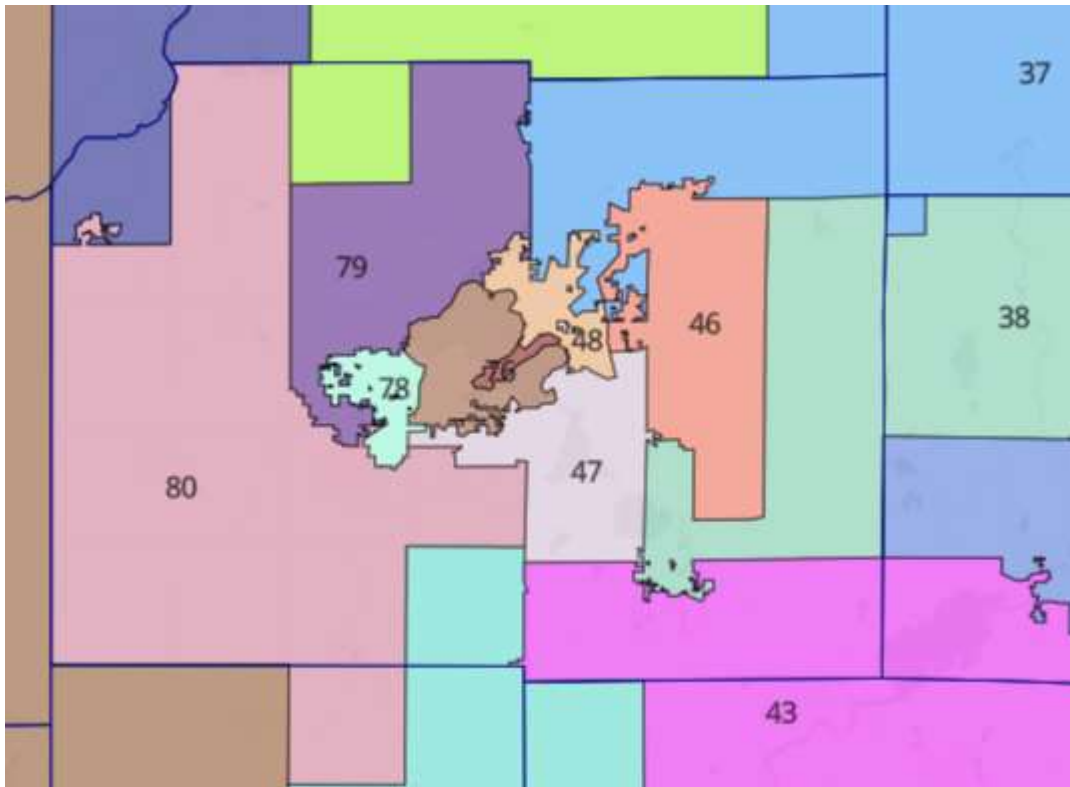
BLOC ASSEMBLY PLAN TECHNICAL CORRECTIONS



**BLOC ASSEMBLY PLAN TECHNICAL CORRECTIONS
(MILWAUKEE VIEW)**



**BLOC ASSEMBLY PLAN TECHNICAL CORRECTIONS
(MADISON VIEW)**



**BLOC ASSEMBLY PLAN TECHNICAL CORRECTIONS
(GREEN BAY/FOX VALLEY VIEW)**

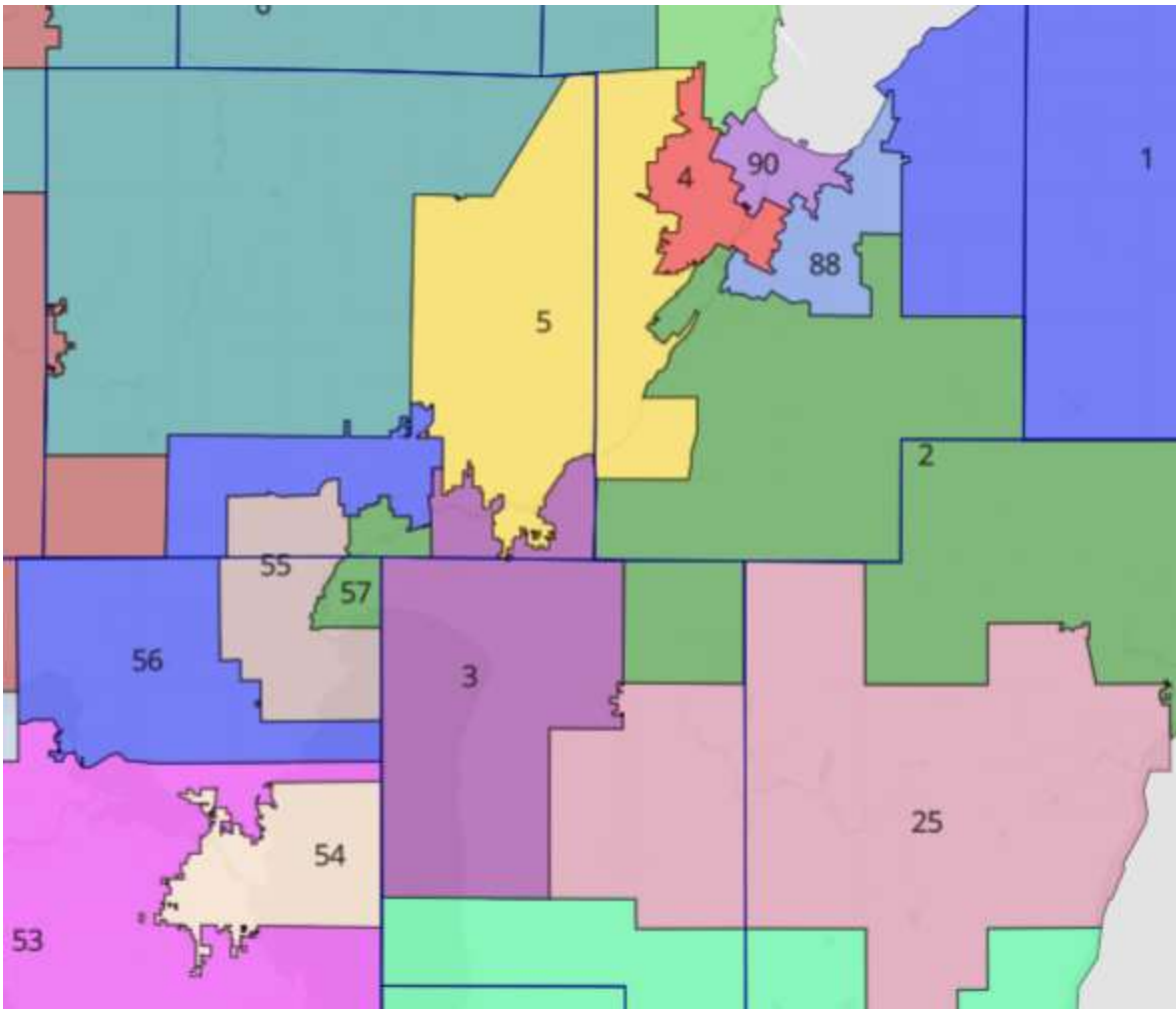
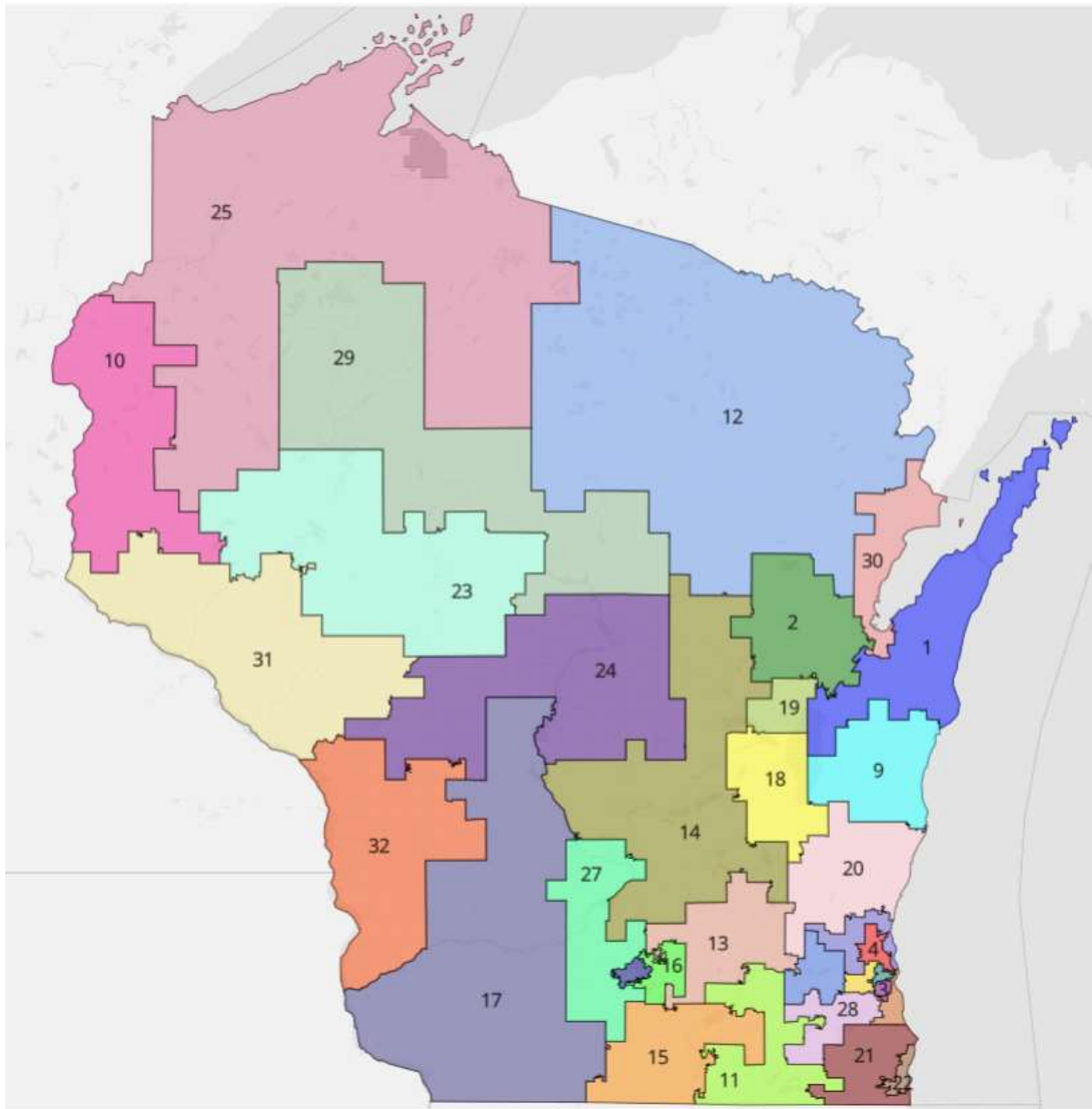
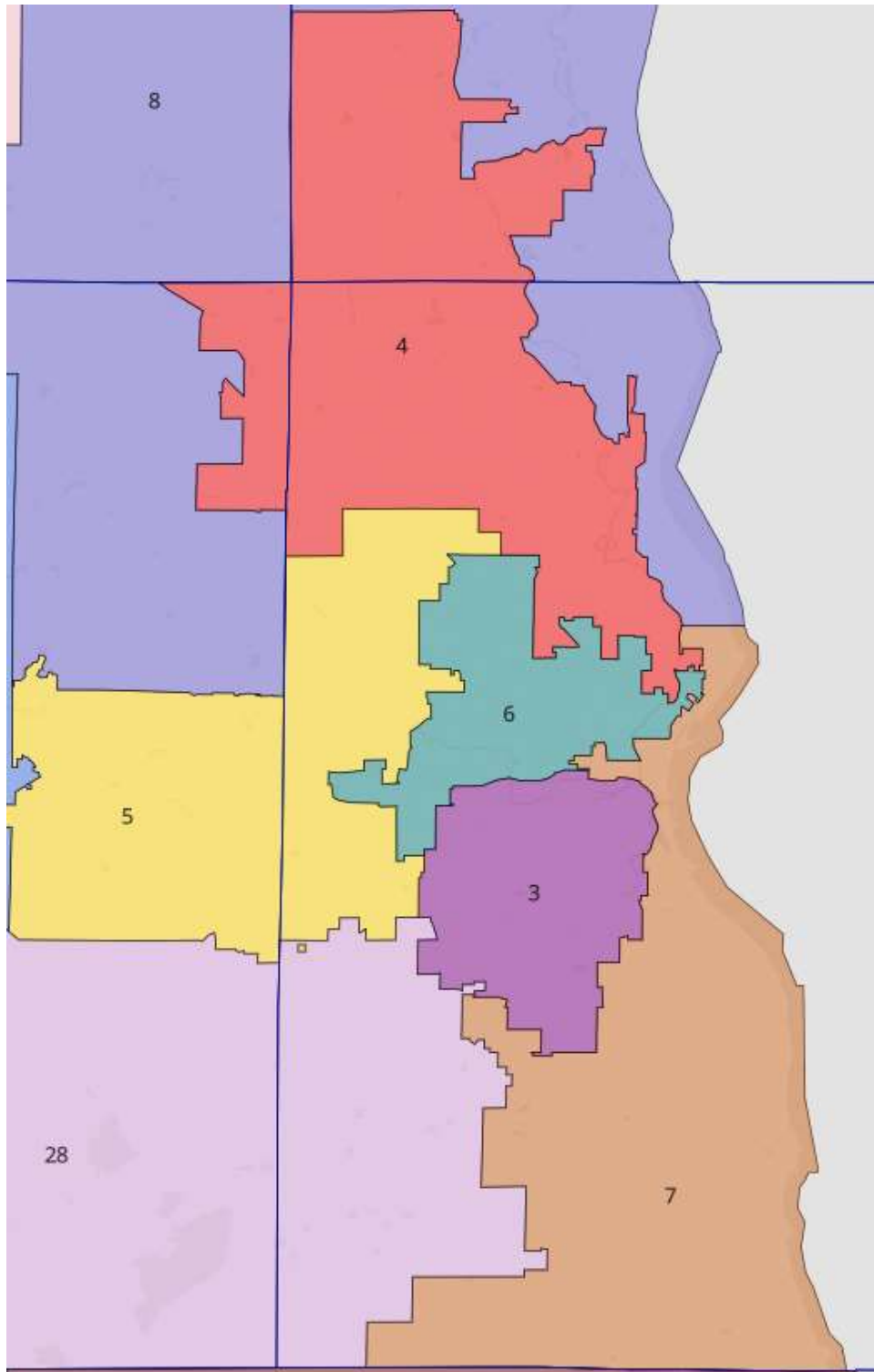


EXHIBIT D

BLOC SENATE PLAN TECHNICAL CORRECTIONS



**BLOC SENATE PLAN TECHNICAL CORRECTIONS
(MILWAUKEE VIEW)**



**BLOC SENATE PLAN TECHNICAL CORRECTIONS
(MADISON VIEW)**

