MEMORANDUM TO THE COURT
Rebecca Clarke v. Wisconsin Election Commission Appeal Number 2023AP001399

RE: Technical Specifications and Data Requirements for Proposed Remedial Maps Submission

Honorable Justices,

Pursuant to the recent directives of this honorable court, and in line with the guidelines specified in the Court's opinion dated December 22, 2023, we hereby outline our approach for the submission of data accompanying each of the parties' proposed remedial maps and supporting materials.

Data

Parties are required to submit their proposed remedial maps as digital files. These files must be in the format of a block assignment, comma-separated file. This file should consist of two columns: the first column should contain the 15-character "GEOID" for each Census Block, and the second column should specify the district each census block is assigned to.[1] Furthermore, parties should follow the guidelines of this court's order on December 22, 2023 (stating "Each party filing such documents through the electronic filing system shall deliver eight courtesy hard copies to the clerk of this court by 5:00 p.m. on January 12, 2024, and shall serve via overnight delivery one courtesy hard copy of such documents to Dr. Grofman and one courtesy copy to Dr. Cervas." at p.2).

Parties should additionally email all digital files in relation to proposed remedial plans to both Dr. Bernard Grofman at <bgrofman@uci.edu> and Dr. Jonathan Cervas at <cervas@cmu.edu>. The first item in the header of each e-mail should be <"*Clarke v. WEC*"> to facilitate identifying the e-mail as an official communication from a party. Adding communication of information by e-mail will facilitate prompt review since the consultants may be away from their campus offices.

A link to the plan hosted on Dave's Redistricting App (DRA) is also encouraged. Dave's Redistricting App <https://davesredistricting.org/> is a free mapping software program that is easy to use and has been made use of by some other state courts. Posting a map on DRA strongly facilitates public access to any proposed map.

In addition, parties should submit a quantitative assessment of their remedial plan regarding the Court's stated criteria (listed below).

Data Analysis

All parties should provide a quantitative evaluation of their plans, in line with the court's defined parameters. Where applicable, parties should provide data in a machine-readable format, such as a comma-separate file. If a party is unable to provide the required data analysis for some factor, they should indicate the reasons why they cannot comply.

As per the Court's directives, the following criteria will be assessed.

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[1] Parties are welcome to send geographic information system files (i.e., shapefiles, geojson) in addition to the block assignment file.

1. **Population Equality**:
   - Ensuring compliance with population equality requirements, as stated in the opinion. ¶64 at p.43.

   Indicate the total population deviation (overall deviation), and also provide a district-by-district enumeration of the difference between actual and ideal population.

2. **Political Subdivision Splits**:
   - "the extent to which assembly districts split counties, towns, and wards." ¶66 at p.45.

   Provide the number of counties or other units that are split, and the total number of split pieces for each type of unit. Also, specify exactly which units are being split and how many times each unit is being split.

3. **Contiguity:**
   - Composed of contiguous territory. ¶65 at p.44.

   If there are non-contiguous units, please identify which these are and into how many pieces each unit is being divided. Provide a rationale based on a valid state interest for each instance (e.g., "A district can still be contiguous if it contains territory with portions of land separated by water." ¶27 at p.19.)

4. **Compactness:**
   - Formed in as compact a manner as practicable. ¶65 at p.44.

   Indicate the compactness metric or metrics employed and provide comprehensive data (i.e., average) for the entire plan as well as detailed data for each district.

5. **Federal Law Compliance**:
   - Adherence to the Equal Protection Clause and the Voting Rights Act of 1965. ¶67 at p.46.

   Provide any data relevant to your assessment of compliance with the Voting Rights Act. This includes any replication code required for the analysis of racially polarized voting. Also explain the methodology used.

6. **Community Considerations**:
   - Preserving communities of interest. (See Court opinion, "These criteria will not supersede constitutionally mandated criteria, such as equal population requirements, but may be considered when evaluating submitted maps." ¶68 at p.46.

   Parties must specify the size and geographic location of any communities of interest identified and the degree to which these communities of interest have been split across multiple districts. Also, parties should clarify how they arrived at their definition and identification of communities of interest.

7. **Political Neutrality**:
   - Maintaining political neutrality in the drawing of maps. ¶70 at p.47, while acknowledging that "consideration of partisan impact will not supersede constitutionally mandated criteria such as equal apportionment or contiguity" ¶71 at p.48.

> Parties should specify which metrics were used to estimate the degree to which a map satisfies partisan neutrality. Parties must also submit any partisan or election data utilized in determining political neutrality. Parties must submit any replication code necessary for reproducing the results of simulation/ensemble analyses if that methodology has been employed.

We will conduct independent verification of this quantitative data to ensure that comparisons can be made across plans in a consistent fashion that is compliant with the guidelines specified by the Court. If we find that there are limitations of the data analyses presented by the parties, we will seek to remedy them by conducting data analyses of our own using established social science methodologies to describe the properties of each submitted map vis-à-vis each of the criteria laid out by the Court in its December 22, 2023, opinion. We fully recognize that it is the Court alone which determines the relevant evaluative criteria, and it is the Court which judges the degree to which any map that the Court might adopt complies with the Wisconsin Constitution and provisions of statutory law.

We appreciate the Court's guidance in this matter and are committed to upholding the standards set forth in your opinion.

Respectfully submitted,

Dr. Bernard Grofman
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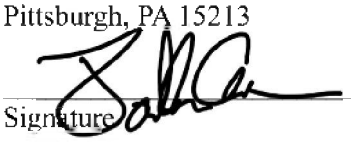
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December 23, 2023
Signature Date

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December 23, 2023
Signature Date