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A resolution by Supervisors Johnson, Jr., Ortiz-Velez, Shea, and Taylor, providing for an advisory referendum on the April 7, 2020, election ballot to measure public opinion on whether the Wisconsin Legislature should create a nonpartisan procedure for the preparation of Legislative and Congressional district plans and maps, by recommending adoption of the following:

**A RESOLUTION**

WHEREAS, gerrymandering is the practice of manipulating legislative boundaries for partisan gain, by either “cracking” or diluting voters of one party across several districts, ensuring a majority is impossible, or “packing” districts, so voters of one party are so concentrated in a minority of districts there are insufficient numbers of them to win a majority of districts; and

WHEREAS, across the United States (U.S.) of America, Democrats and Republicans in different states, where holding their respective majorities, have gerrymandered to entrench their power at the expense of the other party, and fair democratic elections; and

WHEREAS, the practice of redistricting by the majority party in the state legislature stifles political participation and competition, discourages collaboration and compromise, ensures continued control by the party in power, and lacks the fairness necessary to our democratic process, by undermining the principle of one person, one vote; and

WHEREAS, the current procedure allows the majority party holding power over the state legislature to redistrict legislative boundaries, which result in unfair, partisan maps, allowing the state legislatures to choose their voters, rather than the people choosing their representatives, as in a proper democracy; and

WHEREAS, in File No. 14-231, Milwaukee County (the County) established the policy of “any new redistricting plan involving the Milwaukee County Board of Supervisory Districts shall be developed by an Independent Redistricting Panel that redraws Supervisory districts in the best interest of the citizens of Milwaukee County,” which was followed by an ordinance change in File No. 15-691, which implemented the policy; and

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WHEREAS, the U.S. Supreme Court declined to uphold fair elections in *No. 18-422, 588 U.S. Rucho v. Common Cause (2019)*, and in the dissenting words of Supreme Court Justice Elena Kagan, “If left unchecked, gerrymanders like the ones here may irreparably damage our system of government. And checking them is *not* beyond the courts. The majority’s abdication comes just when courts across the country, including those below, have coalesced around manageable judicial standards to resolve partisan gerrymandering claims.”; and

WHEREAS, Article IV, Section 3, Constitution of the State of Wisconsin (the State), directs the State Legislature to apportion State legislative and Congressional districts, “At its first session after each enumeration made by the authority of the United States, the legislature shall apportion and district anew the members of the senate and assembly, according to the number of inhabitants”; and

WHEREAS, since the 2011 redistricting of the State, 47 of 72 Wisconsin counties, representing approximately 75 percent of the State population, including the County (File No. 17-423), have passed resolutions favoring a nonpartisan redistricting process for State legislative and Congressional district redistricting plans; and

WHEREAS, since the 2011 redistricting of the State, eight counties and one town have passed referenda, with voters approving overwhelmingly that the State ought to adopt a nonpartisan, reapportionment procedure:

<b>County</b>	<b>Result of Referendum</b>	<b>County</b>	<b>Result of Referendum</b>
Dane	82 percent in favor	Sauk	72 percent in favor
Eau Claire	74 percent in favor	Vernon	71 percent in favor
La Crosse	77 percent in favor	Winnebago	69 percent in favor
Lincoln	65 percent in favor	Town of Newbold, Oneida County	69 percent in favor
Outagamie	72 percent in favor		

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; and

WHEREAS, without fair elections, the legitimacy of our republican form of government is imperiled, betraying this country’s founding principles as written in the U.S. Declaration of Independence, “Governments are instituted among Men, deriving their just powers from the consent of the governed”; and

WHEREAS, the Committee on Intergovernmental Relations, at its meeting of November 7, 2019, recommended adoption of File No. 19-781 (vote 4-1); now, therefore,

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BE IT RESOLVED, by the County Board of Supervisors of Milwaukee County (the County) as follows:

Section 1. Referendum Election. The County Clerk is hereby directed to call an advisory referendum election to be held in the County at the regularly scheduled election to be held on April 7, 2020, for the purpose of submitting to the qualified electors of the County the proposition of whether the State of Wisconsin should create a nonpartisan procedure for the preparation of Legislative and Congressional district plans and maps. The referendum shall be held, noticed, and conducted following the procedures set forth in Section 59.52(25) of the Wisconsin State Statutes (State Statutes).

Section 2. Official Referendum Ballot Form. The ballot to be used at the referendum election shall be prepared in accordance with the provisions of Sections 5.64(2) and 7.08(1)(a), State Statutes. The ballot shall be substantially in the form attached hereto as Exhibit A.

; and

BE IT FURTHER RESOLVED, the County Clerk may request funds for the additional cost to add the advisory referendum, estimated to be approximately \$15,000, through an appropriation transfer from Org. Unit 1945 – Appropriation for Contingencies, after the actual referendum expenses are calculated, and a determination is made as to whether the additional funds are necessary for the Election Commission to achieve a balanced budget for 2020.

kae  
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**EXHIBIT A**  
OFFICIAL REFERENDUM BALLOT

**April 7, 2020**

**ADVISORY REFERENDUM**

Should the Wisconsin Legislature create a nonpartisan procedure for the preparation of Legislative and Congressional district plans and maps?

Yes

No