

**Redistricting in the MDN States**

Justin Levitt



**WISCONSIN  
(status quo)**

**KEY POINTS:**

The state legislature currently draws both congressional and state legislative districts, subject to a few self-imposed constraints, and subject to federal constitutional and statutory limitations.

Article IV of the Wisconsin Constitution governs redistricting; the legislature has adopted additional principles by statute, which it would also be free to amend. In the 2001 cycle, control was divided, with a Republican Governor, a Senate controlled by Democrats, and an Assembly controlled by Republicans. The redistricting process for state legislative districts deadlocked, and control fell to the courts.

**PROCESS:**

Congressional and state legislative districts are currently drawn by the state legislature. Plans must be adopted by the end of the legislative session in 2011.

- **Independence from Legislators:** None.
- **Partisan Balance:** The process has only as much partisan balance as the legislature itself. It is possible that each house will be controlled by a different party, or that the governor will be of a different party than a united legislature, but it is also possible that there will be unified party control.
- **Minority Participation:** The process will feature as much diversity as the legislature itself, but the body's substantial size makes such diversity relatively more feasible.
- **Public Input:** There are no specific provisions for the public to present or comment on plans.
- **Timing:** State legislative districts may not be drawn more than once per decade; there is no similar prohibition on redrawing congressional districts.

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**CRITERIA:**

Congressional districts are subject only to federal constitutional and statutory limitations.

State legislative districts must be contiguous, and as compact as practicable. They must also follow the federal standard of equal population; at present, the Wisconsin legislature has set itself a stricter standard, striving to draw state legislative districts with as small a population spread from largest district to smallest district as possible.

State legislative districts must also use the boundaries of political units -- counties, precincts, towns, and wards – where feasible, and the legislature declared its own goal to preserve those political units whole where possible. The legislature also determined both to make a good faith effort to maintain the integrity of communities of interest, and to encourage competitive districts where possible.

- **Population Equality:** The current legislative aim is to remove population disparity where possible. As a result, it is more likely that residents' votes will be of equivalent weight around the state. However, the tight population limits may make it more difficult to preserve political boundaries, and may limit flexibility to create minority opportunity districts pursuant to the Voting Rights Act. There is also no express provision to determine whether the state must rely on the count conducted by the federal census (which counts incarcerated persons where they are incarcerated).
- **Minority Rights:** There are no provisions for minority rights other than federal law.
- **Compactness:** There is a general requirement that districts be as compact as practicable. This requirement, however, is not further defined and may be difficult to enforce.
- **District Competition:** The legislature declared its intent to encourage competitive districts. This requirement, however, is not further defined and may be difficult to enforce.
- **Statewide Partisan Balance:** If there exists unified partisan control of the legislature and governor's mansion, that party will have the ability to drive statewide results favorable to itself. There is no provision otherwise encouraging or discouraging statewide partisan balance.
- **Preservation of Political Boundaries:** The legislature has emphasized its intent to preserve political units where possible, down to the ward level, but a ward-based standard allows substantial dividing of larger political entities.
- **Communities of Interest:** The legislature has declared that it will attempt to preserve communities of interest where possible, but this is not further defined and may be difficult to enforce. The definition of a "ward" in Wisconsin also requires the boundaries to "observe" existing neighborhood communities of interest.
- **Nesting:** Each state Senate district must comprise three House of Representatives districts. This ties each house's districts to the other, but with such small population disparities, may produce unintended consequences with respect to political boundaries or other communities. For example, depending on the concentration of Wisconsin's population, minimizing population deviation in state senate districts that roughly follow political boundaries may leave limited flexibility to follow political boundaries in state house districts as well.
- **Incumbent Residence:** The current criteria do not prohibit those drawing the lines from considering the residences of incumbents, allowing intentional harm (or benefit) to individual legislators, but also reducing the likelihood of unintentional impact on incumbents.