



To: Common Sense Wisconsin Policy Board
FROM: Joe Handrick

Governor Evers has introduced a redistricting map in court. In many ways, it is worse than the disaster that was the map that came out of his “non-partisan” commission.

The Evers map is useful, however. **First, it proves beyond all doubt that the GOP advantage in the Legislature is the result of political geography – not gerrymandering.** The Evers map suggests strong GOP majorities will continue.

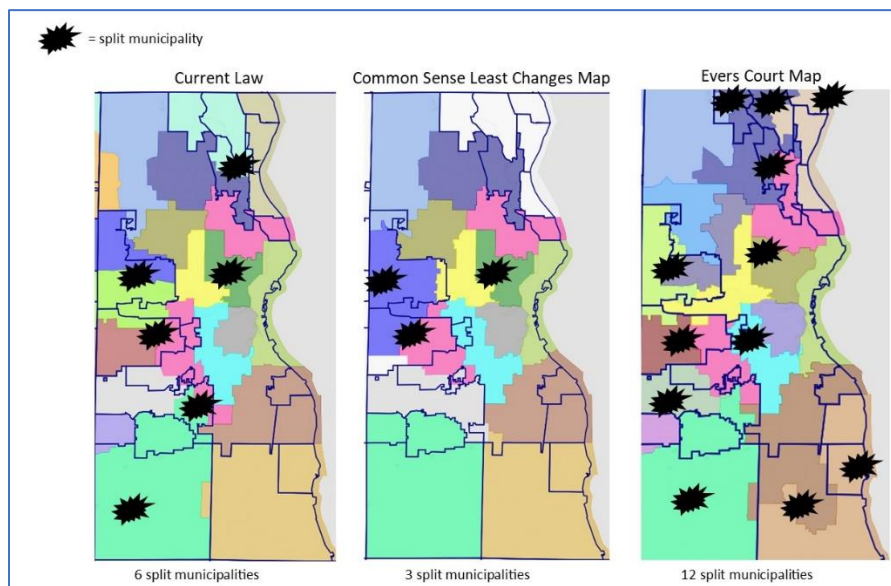
Second, the Evers map demonstrates via comparison just how good the legislative map is when it comes to the criteria laid down by the Supreme Court.

The Evers map carves up Wisconsin communities

My initial reaction to his map was to say it looks as if it were drawn by second graders. It carves up Wisconsin municipalities in a way that resembles the “scribbling outside the lines” seen when children are coloring.

But upon further review, it is evident that the Evers “slice and dice” approach is quite intentional. In fact, it is a very precise form of gerrymandering intended to harm Republican legislators under the guise of “least change”.

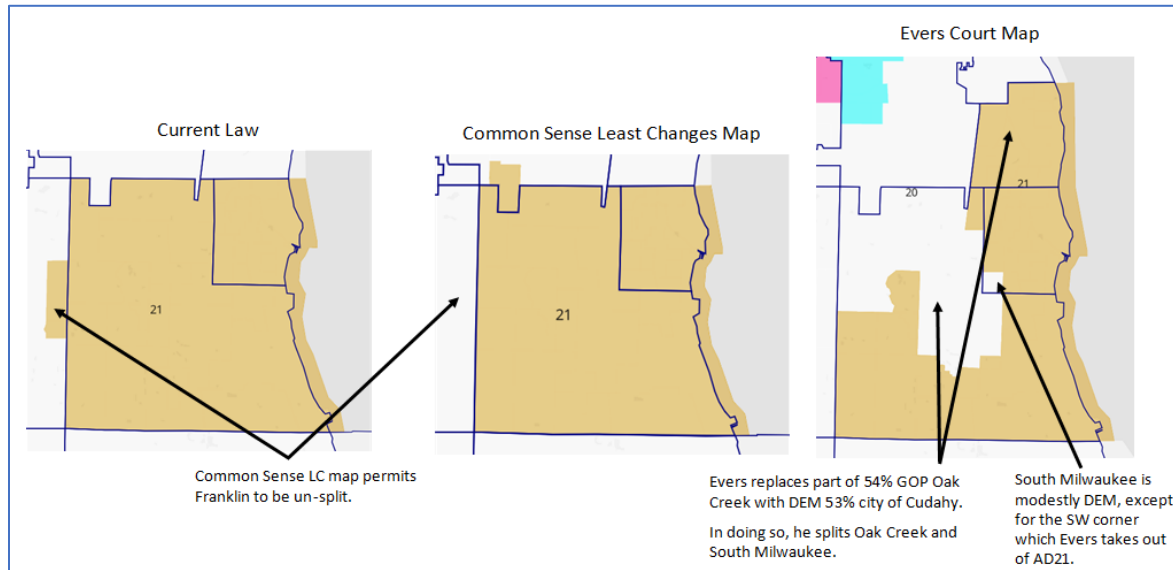
A quick look at Milwaukee County demonstrates this obvious fact. Note how the Governor *increases* the number of split municipalities in the county. By contrast, the Common Sense least changes (LC) map is able to reduce the number of splits (which would be quite appealing to Justice Hagedorn based on his recent concurring opinion).



Eyeballing these maps makes it quite apparent that the Evers map is not a “least change” map. A true least change map looks more like the Common Sense LC map or the Legislative map.

So, what does Evers accomplish through these unnecessary changes? The answer is clear: Political damage to Republican legislators.

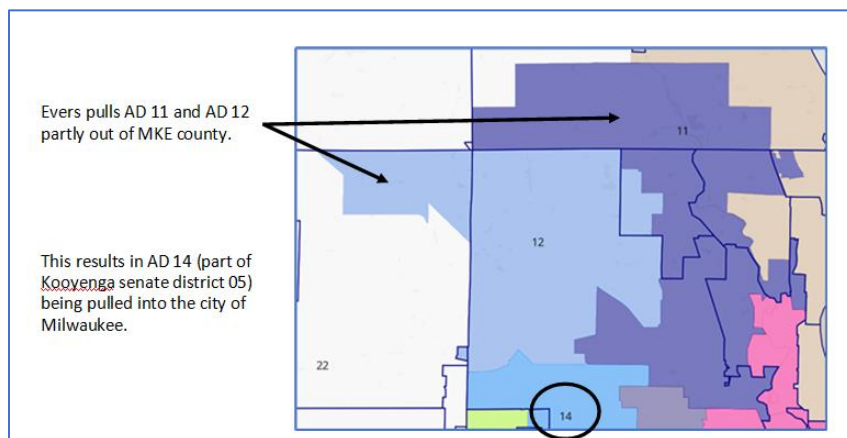
Example 1: AD 21 (Rep. Rodriguez). Evers quite purposefully splits two additional cities to remove Republicans and add Democrats to AD 21. By contrast, the Common Sense LC map shows how to enact least changes while reducing municipal splits.



Example #2: SD 05 (Senator Kooyenga). Evers pushes districts 11 and 12 out of Milwaukee County.

This has two effects. First, it reduces the Black Voting-Age population of those seats to just over 50% -- a level that represents a significant change from what the federal court drew in 1992 and 2002 and approved in 2012. Based on recent comments, Senator Lena Taylor and others would likely argue this is a violation of the Voting Rights Act.

Second, it pulls AD 14 into the city of MKE. The result on Kooyenga's senate district?? It goes from a district that Scott Walker won by over 5,500 votes to one he lost by over 6,000 votes.



The Evers map is simply inferior to the Legislative Map and the Common Sense LC Map

Below is a comparison of the maps on the objective criteria that will be important to the court. If the Evers map is a least change map (which is debatable), **there is no reason for the court to choose it over the legislative map which performs better on the objective criteria.**

I also included political data (how many seats Walker and Trump won) for each plan.

Title:	2011 Act 43 (when passed)	Legislative Map	Evers Court Map	Common Sense LC
Total Deviation:	0.76%	0.76%	1.88%	0.99%
Municipal Splits:	62	48	107	36
County Splits:	58	53	53	50
TOTAL Splits:	120	101	160	86
Temporary Disenfranchisement **:	299,704	138,753	138,834	132,000 *
Black Voting-Age Majority Seats:	6	5	7***	6
Latino Voting-Age Majority Seats:	2	2	2	2
Reock Score:	0.37	0.36	0.37	0.37
Polsby-Popper Score:	0.27	0.23	0.27	0.29
NIWYSI Score:	48	42	47	48
Seats Won by Walker:	63	61	57	60
Seats Won by Trump:	62	64	56	61

* Approximate

** Data is for assembly districts except for Temporary Disenfranchisement which only applies to the state senate

*** 6 of 7 are below 51% -- a level that Senator Taylor and others may argue violates the VRA

1. Population deviation – The Evers map has a total deviation more than double that of the Legislative plan.
2. Preservation of local units of government – Just when we thought no-one could do worse than the Peoples Maps Commission, along comes the new Evers “hold my beer” map. Evers splits 106 municipalities compared to only 48 in the Legislative plan and 36 in the Common Sense LC map.

As the Peoples Maps Commission did prior, the Evers’ map splits the Oneida Nation in two.
3. Temporary disenfranchisement – On this score the various maps are similar.
4. Voting Rights Act – The Common Sense map does the best when it comes to replicating what the federal courts drew in 1992, 2002, and approved in 2012 – both in terms of the number of minority districts but also in the voting age Black and Latino population within those districts. This plan is not before the court, however. The Evers map is the worst.

The Evers map attempts to create an additional Black district but does so by greatly lowering VAP populations in each of the existing six seats. This could present a real problem with the VRA. Furthermore, getting each of the seven seats to nearly the exact same Black VAP cannot be accomplished without making race the *predominant* factor that was considered. This presents a likely violation of the Equal Protection Clause of the 14th Amendment. Finally, the Evers map represents quite a shift away from the court-approved map of 2012 and, thus, is not really a “least change” map for Milwaukee.

The Legislature will have a challenge in attacking the VAP in the seven Evers districts, however. This is because the Legislative plan also has a district (AD 10) that falls well below the Black VAP that the court has drawn or approved in the past. Despite this, the Legislative plan remains better than the Evers plan on the VRA and overall.

5. Compactness – The Evers plan is slightly more compact than the Legislative plan and slightly less compact than the Common Sense LC plan.

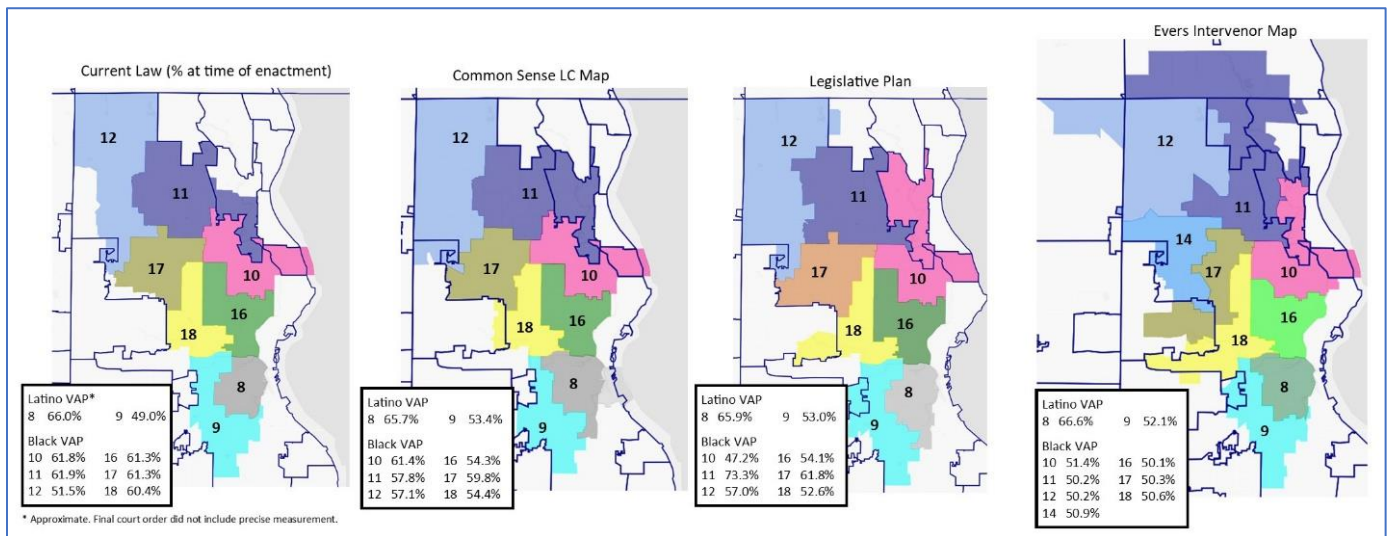
The Evers map is not a true least change map as required by the Court

A case can be made that the Court should not even consider the Evers map because it does not appear to be a least change map. This is evident in how Evers drew the Voting Rights Districts in Milwaukee.

The federal court in 2012 approved the six Black voting-age majority districts that are in current law. Therefore, any effort to create a new least change map should begin with the drawing of these districts.

Below is a side-by-side visual comparison of the current districts, the legislative map, the Common Sense LC map, and the Evers failed effort at a least change map.

No fancy computer evaluation is necessary – Both the legislative and Common Sense LC maps are least change maps. The Evers map clearly makes changes much greater than necessary.



While the visual shown above clearly shows that the Evers map is not a least change map, data also bears this out. This data is on the following page.

What I have done is calculate the degree to which each map changes the Black voting-age percentage (VAP) for each district from that in the current map. The larger the change, the more the proposed map is from the court-enacted map of 2011.

Note that the average variation for each Evers map district is roughly double the size it would be in a least change map.

Black VAP in 2020 Census		Common Sense LC Map	Legislative LC Map	Evers Map
AD 10	59.4%	2.0%	-12.2%	-8.0%
AD 11	65.5%	-7.7%	7.8%	-15.3%
AD 12	60.6%	-3.5%	-3.6%	-10.4%
AD 16	55.6%	-1.3%	-1.5%	-5.5%
AD 17	68.4%	-8.6%	-6.6%	-18.1%
AD 18	60.7%	-6.3%	-8.1%	-10.1%
Ave Variation:		4.9%	6.6%	11.2%

Conclusions

In my opinion the Evers map is not a “least change” map as required by the Supreme Court. There clearly were partisan gerrymanders employed within the Evers map intended to aid Democrats.

Despite this, the Evers map confirms once and for all that the Democrat’s legislative struggles are the result of Democratic voter concentration in the big cities – not gerrymandering. Even though Evers strayed away from a least change map, he still created a map that will likely produce large GOP majorities in both houses of the Legislature.

If we accept, however, the assertion that the Evers map is a least change map, then we look to see how it performs on the other redistricting criteria. Simply put, the **Evers map does not measure up to the Legislative map that is before the court** (and performs even worse when compared to our Common Sense-LC map).

The Evers map:

- Is worse on population equality.
- Is dramatically worse on preservation of municipal boundaries.
- Threatens 30 years of progress in additional minority representation in the Legislature by spreading Black voters thinly and rejecting the VRA districts drawn and approved by the courts. Despite the reduction in the number of majority Black VAP seats from 6 to 5, the Legislative plan is still significantly better on this count.

There simply is no reason the court should adopt the Evers map over the Legislative plan.

Addendum

Additional examples of slicing and dicing in the Evers map.

