

# Local Opportunities for Redistricting Reform



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# Introduction

The process of redistricting has long-lasting impacts on all levels of government from federal to local. In the vast majority of cases, elected officials currently have the power to draw the lines of their own districts. In Wisconsin, the 2011 state redistricting process highlighted the many pitfalls of allowing legislators to draw their own lines. Legislators signed secrecy agreements while working with a private law firm to draw the voting maps away from the public eye. In 2012, the first legislative elections under the new maps, Democrats won 53 percent of the votes cast in State Assembly races, compared to 46 percent for Republicans. Republicans, however, walked away holding 60 of the 99 Assembly seats.<sup>1</sup>

In the 2013 session, legislative Democrats, joined by Republican Senator Dale Schultz, introduced a bill to move Wisconsin to a non-partisan system of redistricting. The bill failed to gain traction, with legislative leaders refusing to even hold a public hearing. An informal hearing held by Senators Tim Cullen and Dale Schultz on their nonpartisan redistricting plan, however, drew a large crowd.<sup>2</sup> While a similar bill was introduced again at the state level in the 2015 session, it has again failed to gain traction.

Local government, however, presents opportunities to advance nonpartisan, independent redistricting in Wisconsin. Like the State Legislature, local county boards and city councils are responsible for drawing their voting maps every ten years after the U.S. Census. While state level bills remain stalled, there are multiple models of independent redistricting which can be effectively adapted to use at the local level.

Focus on the local level presents the opportunity for meaningful policy change as well as educating and engaging the public in a conversation about redistricting, right in their own backyard.

Reform at the local level is not without challenges.

One limitation is that, under state law, local legislative bodies are still ultimately charged with adopting redistricting maps. In areas where local redistricting has already been explored, corporation

counsel have opined that, regardless of the method of drawing maps, final approval must still be made by the legislative body itself. However, this is a challenge that other redistricting reform efforts have faced, even at the state level. Lessons learned from models such as Iowa show that even with such limitations, success in adopting a non-partisan, independent redistricting process is possible.

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# Wisconsin Local Redistricting General Timeline

## Counties & Municipal Wards

Redistricting begins with the U.S. Census, taken every ten years. The results are used to redraw voting lines to reflect shifts in population over the previous decade and bring districts back to substantially equal population.

The local redistricting process begins when the State of Wisconsin distributes census data to all 72 counties. Statutes provide a framework for the process. Counties then have 60 days to propose a tentative supervisory district plan, hold a public hearing on the proposed plan, and adopt the tentative plan and submit it to municipalities within the county.<sup>3</sup> The proposed plan can be amended after the public hearing, and the county board is statutorily required to solicit suggestions from municipalities concerning the development of an appropriate plan.<sup>4</sup> Additionally, the statutes require that board districts consist of whole wards or municipalities. Once municipalities receive the tentative supervisory district plan, they have 60 days to adopt a new plan for the municipal election wards.<sup>5</sup> The wards are to be drawn for the convenience of voters in a manner that is compact and observes “the community of interest of existing neighborhoods and other settlements.”<sup>6</sup>

In practice, given the tight timelines imposed on both county and municipal government, work on lines for both districts and wards is often occurring simultaneously. Thus, regardless of what process is used, communication between counties and municipalities is key during this process.

The next step in the process is that within 60 days of every municipality in the county having set their wards, the county will hold a public hearing and adopt a final supervisory district map. The county board chair then files a certified copy of the final districting plan with the Secretary of State, completing the process.

## Cities

After the wards have been created, as discussed above, a city’s common council has 60 days within which to redistrict the boundaries of its aldermanic voting districts.<sup>7</sup> Wisconsin statutes require that these districts be as compact in area as possible, be equal in population as nearly as is practicable, and be contiguous. Redistricting is accomplished by introducing an ordinance at a regular meeting of the council and then later adopting the redistricting ordinance by a majority vote of all members of the council. If a city fails to comply with its redistricting duties, any elector in that city can, within 14 days of the expiration of the 60 day window, submit a proposed redistricting plan to the circuit court.<sup>8</sup>

## Towns & Villages

Towns and villages of a population of 1,000 or more must establish wards, as described in the process above. However, their board members continue to be elected at-large.<sup>9</sup> One exception to this is where a town is the only town in its county. Then, by statute, the board is comprised of not more than 7 members, where one member is elected from each town ward (of which there shall be at least 2 but not more than 5), and one or more members may be elected at large.<sup>10</sup>



## Map Criteria

Regardless of what model is used to draw voting maps, setting objective criteria to be used in drawing them is necessary to ensure the maps meet legal requirements and reflect the community. Setting neutral criteria in advance will guide the work of those charged with drawing voting maps.

Criteria that are legally required include:

- equal population
- compactness and contiguity (The Wisconsin Constitution requires that state legislative districts be as compact as practicable.)
- representation of ethnic or racial minorities.

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In regard to representation of ethnic or racial minorities, the constitutional requirement is to avoid practices known as “packing” or “cracking,” common methods of gerrymandering. Packing concentrates members of a certain group into a single district, allowing an opposing party or group to dominate other districts. Cracking is essentially the opposite, where a voting bloc is split into multiple districts, diluting the impact of their votes and preventing them from having a majority in any district.

Other criteria which may be considered include: preservation of communities of interest (including racial and ethnic groups, but also neighborhoods, for example); minimizing crossing of existing government boundaries (such as municipalities or school districts). See Appendix 1 for examples of criteria used in some existing redistricting processes.

Other considerations that are not included in the redistricting models reviewed, but are a part of many conversations regarding redistricting criteria, are incumbent protection and core retention. Incumbent protection is the idea of drawing districts to ensure one incumbent per district and, potentially, a district that is less competitive than it might be if protection of the incumbent were not taken into consideration. Generally speaking, incumbent protection is at odds with the value of creation of an independent redistricting model, which is intended to put voters interests, not politicians’ interest, at the center of redistricting decision-making. Incumbency could also be taken into account in another way, to draw a disliked incumbent into the district of another incumbent supervisor, forcing them to run against each other.

Core retention is the idea of maintaining a large geographic portion of the existing districts when adjusting voting lines. Preserving the cores of previous districts can make redistricting less confusing for voters, who are then less likely to find themselves with entirely unfamiliar voting lines and therefore elected representatives, and may also facilitate continued constituent services without confusion. Core retention may be in-line with the goals of nonpartisan, independent redistricting, if the existing districts have been drawn fairly, independently, and in a way that reflects the community.

# Models

## Staff Directed

The most widely discussed staff-directed model of redistricting is that used by the state of Iowa. In Iowa, the task for drawing legislative maps is assigned to the nonpartisan Legislative Services Agency (LSA). The agency staff follow imperatives to draw maps that result in districts of equal population that are contiguous, compact, and respect county lines. Ed Cook, head of Iowa's LSA, has said that this model "puts the voter as the primary consideration."<sup>11</sup> Where there is room for discretion in Iowa's model, the LSA can turn to an appointed commission. Each of Iowa's legislative leaders (majority and minority leader of each house) appoints one commissioner, and those four commissioners select the fifth. The LSA works with the commission to draft maps that are then presented to the Legislature as a bill. The Legislature can initially accept the map or reject it without modification. If rejected, the LSA prepares another set of maps based on feedback from the Legislature, which are re-submitted to be accepted or rejected without modification. If the maps are rejected again, LSA prepares a third and final set of maps for submission, which the Legislature can then accept or if they do not accept, they can modify. Since the Iowa model was adopted in 1980, the Legislature has not used this ability to modify the maps.

One challenge in adapting this model to the local level is that local governments do not have a built in nonpartisan agency to turn to. However, they do often have planning or other staff they may be able to turn to for leadership in drawing the maps.

- Pros: A staff-driven process removes elected officials from the process of map-drawing, either as members of a redistricting body themselves or as the appointing authority for a commission. Additionally, staff involved will ideally have experience with map-drawing and familiarity with government resources (such as planning and community development information) available to assist with the process. Having staff responsible for redistricting can also streamline the process, making it easier to meet necessary statutory deadlines.
- Cons: Staff at the municipal level often work directly with council or board members to provide relevant information, staff committees. Or, even if they have limited direct interaction with local elected officials, all staff have their positions budgeted by the legislative body. This could raise concerns regarding conflicts of interest between the staff and the elected officials whose districts they will be mapping. If a staff model is used, it is important that clear boundaries be set in what communication is allowed between legislative body members and the staff involved in map drawing.
- Community Engagement Opportunities: This model provides the fewest built-in opportunities for public engagement, as a staff-led model could be accomplished without public meetings. In developing

an ordinance governing this redistricting process, it would be advisable to require multiple public forums at which draft maps would be presented and public feedback would be given to the staff as they work to finalize the maps. Wisconsin statutes provide a minimum of two required public hearings, but to obtain meaningful public input, additional public hearings or opportunities to submit comments in writing are advisable.

## **Citizen Commission**

Another model that has already been used to varying degrees by some local governments in Wisconsin is a citizen commission. In some instances, governments have used mixed committees of elected officials and citizens to oversee the drawing of maps. In others, committees comprised of entirely citizens have been used. The lack of explicit policy in some places that have used this model and of consistency in use across Wisconsin presents an opportunity for standardizing and optimizing its use.

The independence of a commission depends largely on the eligibility criteria set for service, as well as the appointing authority. Some communities, such as New York City, use a redistricting commission with appointments made by elected officials. In the New York City model, members of the Districting Commission are appointed, seven by the Mayor and eight by Council leaders. The appointed New York Districting Commission members must then follow explicit criteria for determining City Council lines. When considering an appointment model for local communities in Wisconsin, commission appointments could be made by an executive (such as a county executive or mayor), by the board chair or council president, or by another local official (such as a clerk).

Another method of selecting commission members is random selection rather than appointment by an elected official. Applicants or nominees are first screened for eligibility. Then, out of the pool of eligible individuals, a set number could be randomly selected to serve. California uses a process of this type, with the first eight commission members randomly selected by the State Auditor. Those first eight commissioners then select the remaining six members. Note that in California, the first eight members include three who identify as Democrats, three as Republicans, and two who did not disclose or belong to another party. Applicants are also screened by legislative leaders, who have the ability to exercise strikes before the initial eight members are randomly selected from the remaining pool.<sup>12</sup>

Another factor that impacts the effectiveness of a citizen commission is the makeup of its members. In creating the commission, policy makers should consider not only basic eligibility criteria that ensure independence but also that the criteria promote a committee that is reflective of the community as a whole. This is important both for the outcome of the process to be reflective of the community, as well as to maximize community buy-in and engagement in the process itself. For example, considerations such as geographic, racial and ethnic, or gender diversity may be included in the authorizing resolution

or ordinance. Thought should be given to the number of commission members. It is advisable that the number be odd, in order to avoid ties, or a local government may choose to require a supermajority vote for approval of the maps.

Finally, the process by which the commission forwards its map(s) to the governing body for approval should be spelled out. A process similar to that used in the Iowa staff-led model discussed above is also recommended here, with the commission sending a map to the body for an up or down vote, and rejected maps returning to the commission for revision twice before the governing body is able to revise the map itself.

- **Pros:** This model removes map-drawing authority from elected officials. Additionally, in setting eligibility criteria for who can serve on the committee, it is possible to eliminate those who have ties to political parties, candidates for the offices to be redistricted, or even to the government body itself, limiting the outside interests involvement in drawing maps.
- **Cons:** Citizens will likely be unfamiliar with the redistricting process itself, even if they are familiar with what redistricting is, so it is important to have strong staff support for the committee.
- **Community Engagement Opportunities:** The commission itself is one example of community engagement, as it will be made up of citizens. And, as a government committee, the commission will be subject to Wisconsin's open meetings law, ensuring the public is allowed to be present at all meetings of the commission. Additionally, commission meetings should provide opportunity for public input. The commission should work to publicize draft maps to receive meaningful feedback from the public to incorporate into map revisions.

## **Competition**

The competition model is essentially a crowdsourced map drawing process. Rather than having maps drawn by pre-selected staff or commission members, the public is invited to submit plans for new voting districts, with the government entity providing the tools and software to do so. (Note: In Wisconsin, the state Legislative Technology Services Bureau typically provides redistricting platforms to local units of government. LTSB has indicated they expect software with this functionality to be available.)

In creating a competition, objective criteria for districts must be set and then shared with the public. The public can then, with the software tools provided, draw their own maps which will be assessed based on the pre-determined criteria. Key decision points for this model include developing a commission to score the maps (a citizen commission model, as described above, can be used for this purpose) and setting the criteria for the maps themselves.

A map-drawing competition was held in Ohio during the 2011 round of redistricting, although it was not the process that was officially used to redistrict. The competition was run by the Ohio Secretary of State's office, and the result of planning among the League of Women Voters of Ohio, Ohio Citizen Action, Common Cause, the Secretary of State Jennifer Brunner, former State Representative Joan Lawrence and State Representative Dan Stewart. As part of the competition, plans could earn up to 75 points - 25 for compactness, 25 for preservation of communities of interest, 12.5 for competitiveness, and 12.5 for representational fairness, which was defined as a "counterbalance for competitiveness," ensuring that a redistricting plan does not unfairly bias one party over another, comparing the partisan bias of legislative districts to "the real world voting history of Ohioans."<sup>13</sup> Ohio's contest ultimately failed to result in legislative adoption of a less partisan map.

- Pros: Anyone can submit a map, and the use of objective criteria to score multiple maps will ideally result in the best-of-the-best map being chosen by the committee for submission to the legislative body.
- Cons: Outcome is only as good as the objective criteria that are set and the committee that is scoring the submissions. Presents the same challenges as the citizen commission model in creation of a scoring committee. Or, if a staff scoring model is used, it would present the same limitations as the staff model.
- Community Engagement Opportunities: The entire competition itself is entirely built on the concept of public involvement. Additionally, public hearings would need to be held on the map chosen by the committee in order to comply with statutory requirements.

# Putting Models Into Action

**Regardless of the model you choose, putting policy into action will require organizing in your community. As you move towards action, here are some steps to consider.**

1. Build a coalition of other supporters of non-partisan redistricting who are interested in changing policy at the local level. Consider reaching out to advocacy groups who have done work on this issue, as well as to friends, family, and neighbors.
2. Research how your community drew its voting maps in 2011. What was the process? What were the outcomes and who was affected by them? Your local clerk's office is a great resource for answering these questions or pointing you in the right direction.
  - a. If the process was already independent, consider taking steps to formalize that process to ensure it is used in future redistricting years. If the process was not independent, identify groups, citizens, and even former elected officials who were negatively affected by redistricting and engage them as potential allies. Create a story bank to draw from later when advocating for change.
3. Develop & share talking points about why this matters in your community.
  - a. Why does independent redistricting matter to you? Words like fairness and representation are probably a part of your answer. Use them as you talk about this issue. Invite other people to share why this is important to them.
  - b. You should also steer clear of technical jargon or wonky ways of discussing redistricting. Remember, redistricting only happens once every ten years, and therefore isn't something most people are familiar with in great detail. Instead of "redistricting" use more descriptive terms like "drawing our voting lines" or "drawing our voting maps."
  - c. Also be careful about referring to reform at the local level as "nonpartisan redistricting." Local offices are already considered nonpartisan, so that term doesn't carry the same meaning it does when discussing map-drawing for partisan congressional and state legislative districts.
  - d. This is where your story bank comes into play. The best persuasive arguments will be those that include the real experiences of people in your community.

- e. **Now is the time!** Now is the time to implement independent redistricting, while we are still several years away from the next redistricting process. Starting now gives us time to get this right, before people are thinking about the first election that will be held under the new maps.
4. Work with your coalition to identify current elected officials who may be open to supporting this policy change and can help you devise a legislative strategy. With their help, determine whether you believe there are already enough votes on your local board or council to pass a nonpartisan, independent redistricting process or if there are not currently enough votes.
  5. If a majority of your local elected officials are not already supportive of independent redistricting, you need to engage in a public education and mobilization campaign. Tactics you can use in your public education campaign include:
    - a. **Letters to the editor or op-eds:** Many papers across Wisconsin have already editorialized in favor of non-partisan redistricting at the state level when bills to implement the Iowa model were proposed during the 2013 and 2015 legislative sessions. Given this past support in the media, your local paper may be willing to run an op-ed from a member of your coalition regarding your local efforts or even editorialize themselves.
    - b. **Advisory referendum:** Consider asking your local government body to put a non-binding advisory referendum on the ballot asking if voters support non-partisan, independent redistricting at the federal, state, and local level. Results from communities who have done similar referendums have been overwhelmingly supportive of independent redistricting. Additionally, an advisory referendum gives you a set target (the election) to rally around in convincing voters to pay attention to this important issue in your community. It may also generate press coverage, giving you an opportunity to educate the public on redistricting.
    - c. **Public forum:** Invite speakers, such as local elected officials, representatives of advocacy groups, and local community members to come together to discuss the pros and cons of local redistricting reform and what model makes sense for your community.
    - d. **Engage your officials:** Once people have a basic understanding of what redistricting is and why it is important to have an independent process of drawing our voting lines, engage them in contacting their elected officials to encourage them to adopt independent redistricting now.

6. If a majority of your local elected officials are already supportive of independent redistricting, take steps to move that support into policy. Have officials create a redistricting task force, including both elected officials and citizen members, to make a recommendation on the right model for your community. This task force can answer some of the questions discussed above, like who should appoint a citizens committee or what staff member will lead a staff-driven process, based on their knowledge of your local capacity and resources. When creating the committee, you should make an effort to have the committee reflect your community. You will also need to make sure that the committee reaches out to groups whose buy-in you may need for a non-partisan redistricting model to be successful in your area, such as local clerks, or local cities, villages, or towns associations, or communities of color who have historically been subject to “packing” or “cracking” in the redistricting process. Expect your local task force to meet for six months to a year before producing a recommendation.
  
7. Put the task force recommendation into action. An elected official will need to introduce the recommendation as an ordinance amendment setting forth the process that will be used in future redistricting efforts. Stay engaged as this ordinance amendment is drafted and introduced, and then follow it through the legislative process. Have people from your coalition come to speak at committee meetings where the council or board is considering the ordinance amendment, and have community members who can't make it send an email or a letter to their elected official letting them know that they support independent redistricting. Don't expect this ordinance amendment to move through the process as quickly as other ordinances or resolutions might. Be patient, be open to amendments that address questions the task force may not have answered, and be strong advocates for an end-result that will ensure voters choose their elected officials, not the other way around. The important thing is getting the process right and having community buy-in for reform to become a reality!
  
8. Be ready to mobilize in 2021. That sounds far away, but the time is now to start to build a broad coalition of people who are ready to be engaged in the redistricting process regardless of which model is used. Whether it is one of the above models or another, community engagement will make the maps better or will draw attention to flaws in the process or the maps.

## Appendix 1: Examples Of Criteria Used In Existing Redistricting Processes

	New York City	California	Ohio	Wisconsin	Iowa
Equal Population	x	x	x	x	x
Communities of Interest	x	x	x	x	x
Compactness	x	x	x	x	x
Contiguity	x	x	x	x	x
Complies with Voting Rights Act	x	x	x	x	x
Nesting		x		x	x
Political Representational Fairness			x		x
Competitiveness			x		

## Cited Sources

<sup>1</sup> [Politifact, 12/5/2012](#)

<sup>2</sup> ["Cullen, Schultz Hold Own Redistricting Hearing", WPT, 2/14/2014](#)

<sup>3</sup> Wis. Stat. Sec. 59.10(3)(b)1

<sup>4</sup> Wis. Stat. Sec. 59.10(3)(b)1

<sup>5</sup> Wis. Stat. Sec. 5.15(1)(b)

<sup>6</sup> Wis. Stat. Sec. 5.15(1)(b)

<sup>7</sup> Wis. Stat. Sec. 62.08(1)

<sup>8</sup> Wis. Stat. Sec. 62.08(5)

<sup>9</sup> ["Redistricting for Local Officials", UW-Extension Fact Sheet, January, 2011](#)

<sup>10</sup> Wis. Stat. Sec. 60.21(3)

<sup>11</sup> ["Iowa keeping partisanship off the map", Boston Globe, 12/8/2013](#)

<sup>12</sup> California Citizens Redistricting Commission, [wedrawthelines.ca.gov](http://wedrawthelines.ca.gov)

<sup>13</sup> Ohio Redistricting Competition Factsheet, 2009