

# Fair Elections Project

## Wisconsin



FOR IMMEDIATE RELEASE:  
July 8, 2015

Contact: Sachin Chheda  
414-412-6099

## **Wisconsin citizens file federal lawsuit to overturn unconstitutional gerrymandering of legislative districts**

*Bipartisan coalition formed to advance fair elections in Wisconsin*

**MADISON**—Twelve plaintiffs from across Wisconsin filed a lawsuit today asking a federal court to throw out the state legislative Assembly district map, calling the line-drawing process “secretive” and “partisan” and the maps unconstitutional for overly advantaging one party. The lawsuit fulfills a call issued by the Supreme Court in previous cases for a standard to measure how much partisan gerrymandering is allowable, and shows how Wisconsin’s map is far outside acceptable redistricting norms.

“My rights as a voter are being violated,” said retired university professor Bill Whitford, one of the plaintiffs. “If my vote counted as much as each one of my fellow citizens, I would be able to affect the shape of the Legislature. But I can’t, because they’ve decided through these maps that I simply don’t count.”

The lawsuit, *Whitford v Nichols*, presents evidence that the current Wisconsin map is one of the “worst partisan gerrymanders in modern American history.”

The complaint says, “This kind of partisan gerrymandering is both unconstitutional and profoundly undemocratic. It is unconstitutional because it treats voters unequally, diluting their voting power based on their political beliefs, in violation of the Fourteenth Amendment’s guarantee of equal protection, and because it unreasonably burdens their First Amendment rights of association and free speech.”

“Extreme partisan gerrymandering is also contrary to core democratic values,” continues the complaint. “In the end, a political minority is able to rule the majority and to entrench itself in power by periodically manipulating election boundaries.”

Lawyers for the plaintiffs explained at a press conference in Madison how federal courts have already harshly criticized the process the majority Republicans used to secretly draw maps following the 2010 census. They further explained how Wisconsin’s plan, assessed using a mathematical tool called the “efficiency gap,” wastes the votes of those who support Democrats in order to ensure Republicans win legislative elections.

“Wisconsin voters want fair elections, where every vote counts for something and every voice is heard,” said Peter Earle, the lead trial attorney for the plaintiffs. “When one Party gains control of the levers of government, and then stacks the deck in their favor to keep control, wresting control from the people, that’s contrary to Wisconsin’s tradition of fairness and the requirements of the Constitution for voters and parties to be treated equally.”

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The lawsuit is receiving support from attorneys at the Chicago Lawyers Committee for Civil Rights Under Law, a nonpartisan, nonprofit organization dedicated to supporting civil rights and ending discrimination. Michele Odorizzi of Mayer Brown, one of the country's foremost appellate litigators, and University of Chicago law professor Nicholas Stephanopoulos, who co-created the efficiency gap metric, are also on the plaintiffs' legal team.

"This lawsuit is designed to return elections in Wisconsin and across the country to fair contests," continued Earle. "Legislative elections in Wisconsin have become increasingly meaningless. We believe that we now have a standard that the courts can use, and that will gain the support of a majority of the Supreme Court, to overturn gerrymandered maps. We have an opportunity to make a major change in how politics works in the United States and help end the partisan gridlock that grips the nation."

Also announced at the press conference is a new bipartisan campaign to support fair redistricting. The Wisconsin Fair Elections Project will highlight the broken electoral system in Wisconsin, led by well-known former State Senators Dale Schultz (R-Richland Center) and Tim Cullen (D-Janesville). Both are former Majority Leaders of the State Senate and seen as moderates within their parties. Former State Senator Dan Theno (R-Ashland) is also serving on the initial leadership team.

"Democracy requires access for every citizen, and it requires truly competitive elections," said Schultz. "When elections aren't competitive, we see corruption, and we see hubris."

"These districts have clearly been drawn to protect not only incumbents, but a permanent majority that doesn't need to worry about voters," said Cullen. "Many of our fellow citizens – from all political persuasions, from all walks of life – simply have lost faith that their government is listening to them."

"Dale & I want to restore the Wisconsin we know and love, where neighbors can disagree without being disagreeable, and where we can find common ground over our priorities."

"It's no exaggeration to say that I've never seen anything like these lines, and this process," said State Representative Fred Kessler (D-Milwaukee), a former judge and noted redistricting expert. "It's wrong, and it should be declared unconstitutional. Every citizen should be represented. I'm confident that this case will be successful and bring some measure of rationality and sanity back to our political system."

Information about the lawsuit and campaign can be found at the Wisconsin Fair Elections website at [fairelectionsproject.org](http://fairelectionsproject.org). The campaign will maintain a social media presence on Facebook, Twitter and Instagram using [@WIFairElections](https://twitter.com/WIFairElections).

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