



State of Wisconsin
2021 - 2022 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE JOINT RESOLUTION 63**

September 28, 2021 - Offered by Senators SMITH, AGARD, ERPENBACH, BEWLEY,
CARPENTER, WIRCH, RINGHAND, PFAFF, JOHNSON, ROYS, L. TAYLOR and LARSON.

1 **Relating to:** requiring consideration of 2021 Senate Bill 389 and 2021 Assembly Bill
2 395 and providing access to members of the legislature to attorneys and records
3 used in the redistricting process.
4 Whereas, the Wisconsin Constitution requires the legislature to provide for
5 reapportionment of state legislative districts after each federal census; and
6 Whereas, Wisconsin's current legislative districts are considered the most
7 gerrymandered maps in the United States; and
8 Whereas, current legislative maps created split communities of interest after
9 seven times more voters were moved from one assembly district to another and five
10 times more voters were moved from one senate district to another in the 2011
11 redistricting bill than was necessary; and

1 Whereas, in 2011, Republican legislators shielded their partisan
2 gerrymandering efforts from the public and signed secrecy oaths to protect their
3 majority; and

4 Whereas, competitive districts are needed for a healthy democracy and will
5 help overwhelmingly popular policies to be adopted with a more responsive
6 legislative body; and

7 Whereas, 55 of Wisconsin's 72 counties support nonpartisan redistricting
8 reform; and

9 Whereas, legislators should not choose their voters, voters should choose their
10 elected officials; and

11 Whereas, 2021 Senate Bill 389 and its assembly companion 2021 Assembly Bill
12 395 were introduced on June 10, 2021, and June 11, 2021, respectively; and

13 Whereas, SB 389 and AB 395 establish a nonpartisan process for redistricting
14 in Wisconsin; and

15 Whereas, SB 389 and AB 395 direct the nonpartisan legislative reference
16 bureau to draw state legislative and congressional redistricting plans based on the
17 2020 federal decennial census; and

18 Whereas, SB 389 and AB 395 require that any redistricting plan drawn by the
19 legislative reference bureau satisfy all of the following requirements:

20 1. The plan must be based on population requirements imposed under the
21 Wisconsin Constitution and the U.S. Constitution and requirements imposed under
22 Section 2 of the federal Voting Rights Act, which, among other things, generally
23 prohibits redistricting plans from abridging the right to vote on account of race or
24 color or because a person is a member of a language minority group.

1 2. The senate and assembly districts established in the plan must satisfy equal
2 population standards. Among other things, no senate district may have a population
3 that exceeds that of any other senate district by more than 10 percent and no
4 assembly district may have a population that exceeds that of any other assembly
5 district by more than 10 percent, unless necessary to maintain compliance with
6 Section 2 of the Voting Rights Act. Congressional districts established in the plan
7 must each have a population as nearly equal as practicable to the ideal population
8 for such districts, while maintaining compliance with Section 2 of the Voting Rights
9 Act.

10 3. District boundaries under the plan must coincide with municipal ward
11 boundaries and, to the extent consistent with the Wisconsin Constitution, the U.S.
12 Constitution, and Section 2 of the Voting Rights Act, must coincide with the
13 boundaries of political subdivisions. The number of political subdivisions divided
14 among more than one district must be as small as possible and, if there is a choice
15 among political subdivisions to divide, the more populous political subdivisions shall
16 be divided before the less populous.

17 4. Districts must be composed of convenient contiguous territory. Under the
18 bill, areas which meet only at the points of adjoining corners are not contiguous.

19 5. To the extent consistent with the requirements described in items 1. to 3.,
20 districts must be compact.

21 6. In preparing the plan, the LRB must be strictly nonpartisan. No district may
22 be drawn for the purpose of favoring a political party, incumbent legislator or
23 member of Congress, or other person or group or, except to the extent necessary to
24 meet the requirements described in item 1., for the purpose of augmenting or diluting
25 the voting strength of a language or racial minority group. The LRB may not use

1 political affiliations of registered voters, previous election results, or demographic
2 information, except as necessary to test the efficiency gap and competitiveness of
3 each district, or use residence addresses of incumbent legislators or members of
4 Congress. The LRB may also use demographic information as necessary to meet the
5 requirements described in item 1.

6 7. The number of assembly districts may not be less than 54 nor more than 100.
7 The number of senate districts may not be more than one-third nor less than
8 one-fourth of the number of assembly districts. Each senate district must contain
9 only whole assembly districts and each congressional district may contain only whole
10 senate districts, to the extent possible.

11 8. Districts must be drawn so that neither the intent nor the result of the plan
12 abridges the equal opportunity of racial or language minorities to participate in the
13 political process; and

14 Whereas, SB 389 and AB 395 establish a bipartisan Redistricting Advisory
15 Commission to assist the legislative reference bureau in drawing state legislative
16 and congressional districts based on the 2020 federal decennial census; and

17 Whereas, SB 389 and AB 395 establish a timeline and procedures for the
18 legislative reference bureau to complete the redistricting plans required under the
19 bills; now, therefore, be it

20 ***Resolved by the senate, the assembly concurring, That*** 2021 Senate Bill
21 389 is placed on the calendar for the next legislative day that the senate is in session,
22 shall be taken up and voted on during the fourteenth order of business, and may not
23 be tabled or referred to committee; and

24 ***Be it further resolved, That*** 2021 Assembly Bill 395 is placed on the calendar
25 for the next legislative day that the assembly is in session, shall be taken up and

1 voted on during the thirteenth order of business, and may not be tabled or referred
2 to committee; and

3 ***Be it further resolved, That*** each member of the legislature regardless of
4 political party affiliation shall have free and open access to all attorneys retained by
5 the legislature or either house of the legislature for purposes of legislative and
6 congressional redistricting and to all drafts of redistricting maps and all other
7 records or documents used in the redistricting process by the legislature or either
8 house of the legislature or the legislature's attorneys or advisors.

9 (END)