



Legislation Text

File #: 161757, **Version:** 1

161757-1 SUBSTITUTE

ALD. KOVAC, MURPHY, BAUMAN, JOHNSON AND PEREZ

Substitute resolution expressing the City of Milwaukee's support for bi-partisan redistricting of state legislative boundaries as sought by the plaintiffs in William Whitford, et al. v. Beverly R. Gill, et al.

This resolution directs the Department of Administration - Intergovernmental Relations Division to seek introduction and passage of State legislation requiring the Wisconsin State Legislature to employ bi-partisan redistricting of State legislative boundaries as sought by the plaintiffs in William Whitford, et. al. v. Beverly R. Gill, et. al.

Whereas, On November 21, 2016, the United States District Court for the Western District of Wisconsin issued its opinion and order in William Whitford, et. al. v. Beverly R. Gill, et. al., 3:15-cv-421-bbc, Trial Op. Dkt. #166, holding that Act 43, the redistricting plan enacted by the Wisconsin Legislature in 2011, constituted an unconstitutional partisan gerrymander; and

Whereas, The court held that "Act 43 was intended to burden the representational rights of Democratic voters throughout the decennial period by impeding their ability to translate their votes into legislative seats;" and

Whereas, The court concluded that the results of the 2012 and 2014 elections showed that Act 43 had its intended effect; and

Whereas, The court found that the "discriminatory effect is not explained by the political geography of Wisconsin nor is it justified by a legitimate state interest;" and

Whereas, The parties to the case agree that the appropriate remedy is to enter an injunction prohibiting the use of Act 43's districting plan in future elections; and

Whereas, The plaintiffs petitioned the court to provide further guidance in the form of detailed instructions to the State Legislature in its redistricting, given that the current Legislature created the unconstitutional districting reflected in Act 43; and

Whereas, The court declined providing such guidance, citing a state's "freedom of choice" as its reasoning and that members of the Legislature "labored intensely over their project" of redistricting; and

Whereas, The court stated in its January 27, 2017 opinion and order in William Witford, et. al. v. Beverly R. Gill, et. al., 3:15-cv-421-bbc, Trial Op. Dkt. #182, "Although, in the end, they produced what we have found to be an unconstitutional result, they wrestled along the way with many legitimate political considerations. Indeed, the record reveals that they produced many alternate maps, some of which may conform to constitutional standards;" and

Whereas, Although the court ascribes no “malice” or “unwillingness to adhere to an order” of the court to the drafters of Act 43, the record indicates that ill intent and unwillingness to adhere can easily be inferred, given that the Legislature labored so intensely, wrestled with legitimate political considerations, and produced alternate maps that may conform to constitutional standards and that those maps were nevertheless rejected in favor of the maps accepted for Act 43; and

Whereas, The court ordered a remedial redistricting plan for the November 2018 election to be enacted by the Wisconsin Legislature and signed by the Governor no later than November 1, 2017; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that City of Milwaukee supports the bi-partisan redistricting of State legislative boundaries as sought by the plaintiffs in William Whitford, et. al. v. Beverly R. Gill, et. al.; and, be it

Further Resolved, That the City of Milwaukee urges the Wisconsin State Legislature to redistrict State legislative boundaries with bi-partisan participation, such that 50 percent of those involved in redistricting efforts coming from each major political party; and, be it

Further Resolved, That the Department of Administration - Intergovernmental Relations Division is directed to lobby the State Legislature to employ bi-partisan redistricting of State legislative boundaries as sought by the plaintiffs in William Whitford, et. al. v. Beverly R. Gill, et. al.; and, be it

Further Resolved, That Common Council File Number 160538 is amended by inserting the following item in the document attached to the file and identified as “2017-2018 State Legislative Package Proposals”:

Election Commission	Racial, Social & Economic Equity	Seek introduction and passage of State legislation that directs the State Legislature to employ bi-partisan redistricting of State legislative boundaries as sought by the plaintiffs in William Whitford, et. al. v. Beverly R. Gill, et. al.
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; and, be it

Further Resolved, That the City Clerk is directed to send copies of this resolution to all members of Milwaukee’s delegation to the State Legislature.

LRB168102-1
Tea Norfolk
4/3/2017