By Supervisor Johnson, Jr. File No. 19-###

**A RESOLUTION**

**Providing for an advisory referendum on the April 7, 2020, election ballot to measure public opinion on whether the Wisconsin Legislature should create a nonpartisan procedure for the preparation of Legislative and Congressional district plans and maps**

 WHEREAS, gerrymandering is the practice of manipulating legislative boundaries for partisan gain by either “cracking” or diluting voters of one party across several districts, ensuring a majority is impossible, or “packing” districts so voters of one party are so concentrated in a minority of districts there are insufficient numbers of them to win a majority of districts; and

 WHEREAS, across the United States, Democrats and Republicans in different states where holding their respective majorities, have gerrymandered to entrench their power at the expense of the other party and fair democratic elections; and

WHEREAS, the practice of redistricting by the majority party in the Legislature stifles political participation and competition, discourages collaboration and compromise, ensures continued control by the party in power, and lacks the fairness necessary to our democratic process by undermining the principle of one-person, one vote; and

WHEREAS, the current procedure allows the majority party holding power over the Legislature to redistrict legislative boundaries which result in unfair partisan maps, allowing the legislature to choose its voters rather than the people choosing their representatives as in a proper democracy; and

WHEREAS, in File No. 14-231, Milwaukee County established the policy of “any new redistricting plan involving the Milwaukee County Board of Supervisory Districts shall be developed by an Independent Redistricting Panel that redraws Supervisory districts in the best interest of the citizens of Milwaukee County” which was followed by an ordinance change in File No 15-691 which implemented the policy; and

WHEREAS, the United States Supreme Court declined to uphold fair elections in *No. 18-422, 588 U.S. Rucho v. Common Cause (2019)*, and in the dissenting words of Supreme Court Justice Elena Kagan, “If left unchecked, gerrymanders like the ones here may irreparably damage our system of government. And checking them is *not* beyond the courts. The majority’s abdication comes just when courts across the country, including those below, have coalesced around manageable judicial standards to resolve partisan gerrymandering claims.”; and

WHEREAS, Article IV, Section 3 of the Wisconsin Constitution directs the Wisconsin Legislature to apportion State legislative and Congressional districts, “At its first session after each enumeration made by the authority of the United States, the legislature shall apportion and district anew the members of the senate and assembly, according to the number of inhabitants”; and

 WHEREAS, since the 2011 redistricting of Wisconsin, 47 of 72 Wisconsin Counties, representing approximately 75 percent of the State population, including Milwaukee County (File No. 17-423), have passed resolutions favoring a nonpartisan redistricting process for Legislative and Congressional redistricting plans; and

 WHEREAS, since the 2011 redistricting of Wisconsin, eight Counties and one Town have passed referenda with voters approving overwhelmingly that the State of Wisconsin ought to adopt a nonpartisan reapportionment procedure:



; and

 WHEREAS, without fair elections the legitimacy of our republican form of government is imperiled, betraying this country’s founding principles as written in the Declaration of Independence, “Governments are instituted among Men, deriving their just powers from the consent of the governed,” now, therefore,

 BE IT RESOLVED, by the County Board of Supervisors of Milwaukee County, Wisconsin, as follows:

 Section 1. Referendum Election. The County Clerk is hereby directed to call an advisory referendum election to be held in the County at the regularly scheduled election to be held on April 7, 2020, for the purpose of submitting to the qualified electors of the County the proposition of whether the State of Wisconsin should create a nonpartisan procedure for the preparation of Legislative and Congressional district plans and maps. The referendum shall be held, noticed, and conducted following the procedures set forth in §59.52(25) of the Wisconsin Statutes.

 Section 2. Official Referendum Ballot Form. The ballot to be used at the referendum election shall be prepared in accordance with the provisions of sections §5.64(2) and §7.08(1)(a) of the Wisconsin Statutes. The ballot shall be substantially in the form attached hereto as Exhibit A.

; and

 BE IT FURTHER RESOLVED, the Department of Administrative Services is authorized and directed to process an appropriation transfer of $X from Org. Unit 1800-1945 – Appropriation for Contingencies to an allocated contingency account within the same org. unit to reserve monies for the Election Commission to offset the additional costs of the advisory referendum; and

 BE IT FURTHER RESOLVED, the County Clerk may request the transfer of these funds through an appropriation transfer after the actual referendum expenses are calculated and a determination as to whether the additional funds are necessary for the Election Commission to achieve a balanced budget for 2020.

**EXHIBIT A**

OFFICIAL REFERENDUM BALLOT

**April 7, 2020**

**ADVISORY REFERENDUM**

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| Should the Wisconsin Legislature create a nonpartisan procedure for the preparation of Legislative and Congressional district plans and maps?YesNo |