

Chief U.S. District Judge James D. Peterson
United States District Court
120 N. Henry St., Rm. 320
Madison, WI 53703

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PETERSON
CLERK OF DISTRICT COURT

Dear Chief District Judge Peterson,

I would like to share three ideas regarding the 2020 redistricting process in Wisconsin. I have shared these ideas with both Republicans and Democrats in the Wisconsin Legislature, e.g., Senator Risser and Representative Vos. My experience talking with these and other politicians inform my thoughts about 1) below. I trust that these ideas may be helpful to your Court should it come to that eventuality.

The three ideas:

- 1) Let "the people" decide
- 2) Split jurisdictions as little as possible being mindful of population losses or gains
- 3) Nest Small Districts inside Medium Senate Districts inside Large Districts, e. g., three Assembly Districts inside one State Senate District, four State Senate Districts inside one Congressional District.

Thoughts about 1) above:

A picked-by-the-Governor panel is quite unlikely to satisfy Republicans, and a Legislative process controlled by Republicans is quite unlikely to satisfy Democrats. Since both sides claim to represent "the people" and the other side does not, here is an orderly, transparent three-step process to let "the people" decide without resorting to law suits. Or the courts could force the elected representatives to redistrict in a similar open, honest manner.

Step 1: Have Republicans and Democrats each draw up a proposed Wisconsin Congressional District map, with a short explanation as to why they think their map is "fair."

If the maps are the same, skip the next sentence and go on to Step 2! Have a state-wide election between the two maps. The winning map divides up Wisconsin into eight new Congressional Districts for the second step.

Step 2: Have eight sets of Republican and Democrats that currently represent people inside the new Congressional Districts each draw up a proposed four-seat Wisconsin State Senate map for the new Congressional District, with a short explanation as to why they think their map is "fair." (Some current Legislators may be involved in two maps, all in at least one.)

If any two corresponding maps are the same, skip the next sentence and go on to Step 3! Hold up to eight Congressional District-wide elections to choose the winning State Senate District map with the new Congressional Districts. The winning map determines the third step.

Step 3: Have thirty-two sets of Republican and Democrats that currently represent people inside the new State Senate Districts each draw up a proposed Wisconsin State Assembly map for their new State Senate District, with a short explanation as to why they think their map is "fair." (Some current Legislators may be involved in two maps, all in at least one.)

If any two corresponding maps are the same, skip the next sentence! Hold up to thirty-two State Senate District-wide elections between the relevant two maps.

Thoughts about 2) above:

Milwaukee County has more residents than 1/8 of Wisconsin's population. Therefore it must be split between at least two Congressional Districts. On the other hand, Dane County, the second largest county, has less residents than 1/8 of Wisconsin's population. On that basis, it need not be split. But for purposes of compact Congressional Districts it may be appropriate to split Dane County.

In considering how close in population a proposed Congressional District should/must be it might be well to use a 3.2.1 rule, namely, that Congressional Districts should/must be within 3% of the ideal Congressional District size, State Senate Districts should/must be within 2% of the ideal State Senate District size, and Assembly Districts should/must be within 1% of the ideal Assembly District size.

A tightening of the 3.2.1 rule could be as following: if a proposed Congressional District has gained population since the 2010 census then its 3% "tolerance" should shift from 97% to 103% of the ideal to 97% to 101.5% of the ideal on the assumption that the gain will continue. Likewise, if it has lost population then its "tolerance" should shift to 98.5% to 103% of the ideal. A further tightening could be that proposed growing Districts must be within 97% to 100% of the ideal, and proposed shrinking Districts use be within 100% to 103% of the ideal.

The 3.2.1 rule has in mind that since there are just 72 counties in Wisconsin it is harder to separate them into eight Congressional Districts that are much closer to the ideal without splitting some/most/all of the counties into separate Congressional District. Approaching the ideal for State Senate Districts is easier, Assembly Districts easier still, even when minimizing splitting of existing political divisions, towns, villages, cities, wards.

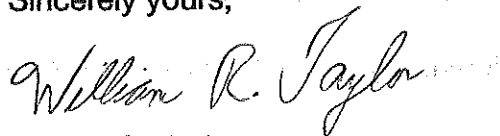
Thoughts about 3) above: Eight Congressional Districts each containing four State Senate Districts each containing three Assembly Districts ($8 \times 4 \times 3 = 96$) is workable if

- a) the Lieutenant Governor casts the deciding vote as needed in each State House.
- b) or the Party that won the most total Senate (or Assembly) votes in the last election wins the Chair of the Senate (or Assembly)
- c) or the Parties alternate chairing the Senate (or Assembly)
- d) or something else.

Thoughts about the entire process: This may require a change in underlying law. I would like to think that the underlying law changes needed, if any, could be done by January 15, 2022; Step 1, by April 10, 2022; Step 2 by July 5, 2022; Step 3, by September 25, 2022.

And, of course, if that is unrealistically fast, then one could keep these ideas around to begin immediately after the 2028 mid-term elections!

Sincerely yours,



William R. Taylor