

POLITICS

Number of districts with a majority of Black and Latino voters would shrink under redistricting plans from Evers' commission

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MADISON – Draft election maps created by a redistricting commission set up by Democratic Gov. Tony Evers would substantially reduce the number of state legislative districts with a majority of Black and Hispanic voters.

Under the proposals, the state Assembly would have four districts with a majority of Black voters, compared to six today.

"My initial reaction to seeing the maps was kind of like, 'Oh my goodness, we're losing (seats),' " said Democratic Rep. LaKeshia Myers of Milwaukee.

The commission's plans would spread Black and Hispanic voters into more districts. While those voters would make up majorities in fewer districts than they do today, they could represent large enough blocs in some districts to sway the outcome of more elections.

The commission will have an expert analyze whether the proposed maps adhere to the federal Voting Rights Act, said the commission's chairman, Christopher Ford. The commission could make changes to the maps based on the expert's findings before approving them this month, he said.

The commission is just one player in the state's redistricting process. Lawmakers may ignore its proposals, but its maps could prove important in litigation over the state's legislative and congressional districts.

The Voting Rights Act is meant to ensure Black and Latino communities can elect representatives of their choosing. It bars states from drawing district lines that dilute their votes.

Now, Wisconsin has two majority Black districts in the 33-member state Senate. That would drop to one or zero under the commission's plans.

The 99-member state Assembly's six majority Black districts would be reduced to four under the commission's plans. Similarly, the Assembly's two majority Hispanic districts would go down to one.

Myers said those numbers show the need for the commission to slow down and take more input after the public has a chance to review what the maps look like.

"I think the interests are very different for someone who lives in Shorewood than they would be for a person who may be of a lower income bracket that lives in a 53206," she said.

The commission released the maps late last week and plans to accept feedback through Thursday.

Maps need analysis

The reductions in the number of majority Black and Hispanic districts do not necessarily mean the proposed maps would violate the Voting Rights Act, said Ruth Greenwood, a Harvard Law School professor who specializes in redistricting and was part of a team that challenged the state's current maps in court.

Detailed analyses are required to determine whether maps comply with the Voting Rights Act, she said.

"You can't tell whether a district complies with the VRA just by whether it is majority minority," she said Monday. "And the Supreme Court has made it clear that you also can't just select 50 percent as an arbitrary target, meet it and be done because they would consider that to be racial gerrymandering."

Map drawers and courts must consider not just the populations of racial groups in a district, but their voting patterns in those areas. They also need to take into account issues such as how often Black and Hispanic voters tend to vote alike, Greenwood said.

They should take public input so they can consider the will of particular communities, she said. Some may want to ensure they have a lock on one district, while others may prefer to have their voters spread across more districts so they have a chance to influence more races.

"You can't just look at the numbers," she said. "You have to talk to people on the ground."

John Johnson, a research fellow at Marquette University Law School who focuses on demographics, noted the existing maps take an "all-or-nothing approach" when it comes to Black and Hispanic voters, while the commission's proposals could extend their power to more districts.

"The differences between these maps illustrate a tension at the heart of the Voting Rights Act," he wrote in a memo. "An intent of the VRA is to protect the descriptive representation of segregated racial minority groups by preventing their being 'cracked' into multiple districts. However, given the overwhelming support of the Democratic party by Black Americans in particular, this requirement easily becomes legally mandated 'packing' of voters into politically uncompetitive districts. While these majority-minority districts do ensure a floor of demographic representation, they do so at the cost of 'wasting' a huge proportion of votes cast.

"Depending on how it is done, stretching racially segregated neighborhoods across more districts may actually increase the political power of those voters."

Court fight likely

States every 10 years must draw new maps based on census data to make sure districts have equal populations and protect the voting rights of minorities.

A decade ago, Republicans controlled all of state government and approved maps that gave them an edge. This time, Evers can block any maps drawn by Republicans who control the Legislature.

That would leave it to the courts to decide where the lines go. Already, two legal challenges are proceeding.

Evers last year set up the People's Maps Commission to propose nonpartisan maps. The Legislature may ignore those maps, but they could play a prominent role in any litigation.

The commission released draft maps last week that would likely provide Republicans with majorities, but not ones as large as they've enjoyed in recent years. The new maps would also increase the number of competitive seats, boosting the chances for Democrats in wave years.

In a memo about the maps, Joe Handrick of the conservative group Common Sense Wisconsin questioned whether the commission's maps would comply with the Voting Rights Act.

“It is hard to take their maps seriously when they ignore their own criteria and ignore one of the foundational civil rights laws of the nation,” Handrick wrote in the memo.

Handrick is a redistricting expert and former state lawmaker from Minocqua. As a consultant, he helped Republicans draw the 2011 maps that helped his party. A federal court redrew two of those districts on Milwaukee’s south side after finding they violated the Voting Rights Act because of how they treated Latino voters.

The commission tried to downplay partisan considerations as much as possible and takes voting rights seriously, said Ford, the commission’s chairman. He said having an expert review the maps to make sure they comply with the Voting Rights Act is essential.

“One of the things we have been trying to maintain is complying with the Voting Rights Act because it is paramount to prevent voter disenfranchisement, to maintain a candidate of choice, especially for minority communities, and so it is something we laid down as one of the higher tiers of our criteria (for drawing maps),” he said in an interview last week.

Commission spokeswoman Tatyana Warrick did not say who the commission is hiring as its expert.

Joshua Douglas, a University of Kentucky law professor who focuses on voting issues, said states must draw districts that give minority communities the power to elect the candidates they want, but also “can’t think about race too much (to) purposefully draw majority minority districts when you don’t need to.”

“It kind of puts you between a rock and a hard place where you have to consider race some to comply with the Voting Rights Act but you can’t do it too much or you’ll have violated the equal protection clause (of the U.S. Constitution) in terms of racial gerrymandering,” he said.

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