

Fair Elections Project

Wisconsin



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Contact: Sachin Chheda
414-412-6099

Federal lawsuit to overturn unconstitutional gerrymandering of Wisconsin legislative districts continues

Federal panel unanimously rejects Attorney General's motion to dismiss

MADISON—A federal three-judge panel today unanimously rejected Attorney General Brad Schimel's motion to dismiss a partisan gerrymandering lawsuit filed by 12 Wisconsin Democrats. The ruling in *Whitford v. Nichol* means this case will continue, with trial scheduled for May 2016.

Originally filed in July, the lawsuit asks that the state legislative Assembly district map be thrown out, calling the line-drawing process "secretive" and "partisan," and the maps unconstitutional for overly advantaging one party. The lawsuit fulfills a call issued by the U.S. Supreme Court in previous cases for a standard to measure how much partisan gerrymandering is allowable, and shows how Wisconsin's map is far outside acceptable redistricting norms.

"This decision means that the court has determined that the victims of Wisconsin's egregious gerrymandering can win their case if we prove what we alleged in the complaint," said lead trial attorney Peter Earle of Milwaukee. "In other words, the court has provided us with a blueprint for winning a judgment on the merits."

"As I said when we filed this case, our rights as voters are being violated," said retired university professor Bill Whitford, the lead plaintiff. "The Supreme Court has repeatedly indicated that partisan gerrymandering could be held unconstitutional if a workable standard could be found, and we now have a case moving forward that has a real chance to set that Constitutional standard."

The original complaint, referring to Wisconsin's Act 43, says, "[P]artisan gerrymandering is both unconstitutional and profoundly undemocratic. It is unconstitutional because it treats voters unequally, diluting their voting power based on their political beliefs, in violation of the Fourteenth Amendment's guarantee of equal protection, and because it unreasonably burdens their First Amendment rights of association and free speech."

"Extreme partisan gerrymandering is also contrary to core democratic values," continues the complaint. "In the end, a political minority is able to rule the majority and to entrench itself in power by periodically manipulating election boundaries."

"We are hoping the victory at this stage of the case will spur litigation in other states where partisan gerrymanders exist," said plaintiffs' attorney Ruth Greenwood of the Chicago Lawyers' Committee for Civil Rights Under Law, Inc. "This is a nationwide problem, and this decision means we have a chance to finally get a nationwide solution."

More information about the lawsuit and campaign can be found at the Wisconsin Fair Elections website at fairelectionsproject.org, or on Facebook and Twitter using [@WIFairElections](https://www.facebook.com/WIFairElections).