

VIDEOTAPE DEPOSITION OF JOSEPH W. HANDRICK 12/20/2011

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ALVIN BALDUS, CINDY BARBERA,
CARLENE BECHEN, RONALD BIENDSEIL,
RON BOONE, VERA BOONE, ELVIRA BUMPUS,
EVANJELINA CLEEREMAN, SHEILA COCHRAN,
LESLIE W. DAVIS III, BRETT ECKSTEIN,
MAXINE HOUGH, CLARENCE JOHNSON,
RICHARD KRESBACH, RICHARD LANGE,
GLADYS MANZANET, ROCHELLE MOORE,
AMY RISSEEUW, JUDY ROBSON, GLORIA ROGERS,
JEANNE SANCHEZ-BELL, CECELIA SCHLIEPP,
and TRAVIS THYSSEN,

Plaintiffs,

TAMMY BALDWIN, GWENDOLYNNE MOORE,
and RONALD KIND,

Intervenor-Plaintiffs,

v. File No. 11-CV-562

Members of the Wisconsin Government
Accountability Board, each only in
his official capacity:
MICHAEL BRENNAN, DAVID DEININGER,
GERALD NICHOL, THOMAS CANE,
THOMAS BARLAND, and TIMOTHY VOCKE,

[Caption Continued]

VIDEOTAPE DEPOSITION
JOSEPH W. HANDRICK

Madison, Wisconsin
December 20, 2011

Carmen Harder, RPR
Registered Professional Reporter

and KEVIN KENNEDY, Director and
General Counsel for the Wisconsin
Government Accountability Board,

Defendants,

F. JAMES SENSENBRENNER, JR.,
THOMAS E. PETRI, PAUL D. RYAN, JR.,
REID J. RIBBLE, and SEAN P. DUFFY,

Intervenor-Defendants.

VOCES DE LA FRONTERA, INC.,
RAMIRO VARA, OLGA WARA,
JOSE PEREZ, and ERICA RAMIREZ,

Plaintiffs,

v. Case No. 11-CV-1011
JPS-DPW-RMD

Members of the Wisconsin Government
Accountability Board, each only in
his official capacity:
MICHAEL BRENNAN, DAVID DEININGER,
GERALD NICHOL, THOMAS CANE,
THOMAS BARLAND, and TIMOTHY VOCKE,
and KEVIN KENNEDY, Director and
General Counsel for the Wisconsin
Government Accountability Board,

Defendants.

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21	Map entitled 2011 Act 44	232
22	Map entitled 2011 Act 43	232
(The original Exhibits 1-22 were attached to the original transcript, and copies of Exhibits 1-19 were provided to counsel)		
(The original deposition transcript was filed with Attorney Douglas M. Poland)		
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VIDEOTAPE DEPOSITION of JOSEPH W. HANDRICK, a witness of lawful age, taken on behalf of the Plaintiffs, wherein Alvin Baldus, et al., are Plaintiffs, and Members of the Wisconsin Government Accountability Board, et al., are Defendants, pending in the United States District Court for the Eastern District of Wisconsin, pursuant to subpoena, before Carmen Harder, a Registered Professional Reporter and Notary Public in and for the State of Wisconsin, at the offices of Godfrey & Kahn, S.C., Attorneys at Law, One East Main Street, in the City of Madison, County of Dane, and State of Wisconsin, on the 20th day of December 2011, commencing at 9:26 in the forenoon.

A P P E A R A N C E S

DOUGLAS M. POLAND, Attorney, for GODFREY & KAHN, S.C., Attorneys at Law, One East Main Street, Suite 500, Madison, Wisconsin 53703, appearing on behalf of Plaintiffs Alvin Baldus, et al.

PETER G. EARLE, Attorney, for LAW OFFICE OF PETER EARLE, LLC, Attorneys at Law, 839 North Jefferson Street, Suite 300, Milwaukee, Wisconsin 53202, appearing by telephone on behalf of Plaintiffs Voces De La Frontera, Inc., et al.

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<u>A P P E A R A N C E S</u> (Continued)	
P. SCOTT HASSETT and JAMES A. OLSON, Attorneys, for LAWTON & CATES, S.C., Attorneys at Law, Ten East Doty Street, Suite 400, Madison, Wisconsin 53703, appearing on behalf of the Intervenor-Plaintiffs.	
MARIA S. LAZAR, Assistant Attorney General, for STATE OF WISCONSIN DEPARTMENT OF JUSTICE, 17 West Main Street, Madison, Wisconsin 53703, appearing on behalf of the Defendants.	
DANIEL KELLY, Attorney, for REINHART BOERNER VAN DEUREN S.C., Attorneys at Law, 1000 North Water Street, Suite 2100, Milwaukee, Wisconsin 53202, appearing on behalf of the Defendants.	
KELLEN C. KASPER, Attorney, for FOLEY & LARDNER, LLP, Attorneys at Law, 777 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, appearing on behalf of the Intervenor-Defendants.	
ERIC M. MCLEOD, Attorney, for MICHAEL BEST & FRIEDRICH LLP, Attorneys at Law, One South Pinckney Street, Suite 700, Madison, Wisconsin 53703, appearing on behalf of the Wisconsin State Senate by its Majority Leader Scott Fitzgerald, the Wisconsin Assembly by its Speaker Jeff Fitzgerald, and Joseph W. Handrick.	
<u>Also present:</u> Todd S. Campbell, CLVS Campbell Legal Video Company 417 Heather Lane, Suite B Fredonia, WI 53021 (262) 447-2199	
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JOSEPH W. HANDRICK,

called as a witness, being first duly sworn, testified on oath as follows:

EXAMINATION

By Mr. Poland:

Q Good morning, Mr. Handrick.

MR. KELLY: I'm sorry. Before we start, could we put the --

MR. POLAND: Oh, that's right.

MR. KELLY: -- agreement on the record?

MR. POLAND: Yep. Go ahead.

MR. KELLY: Thank you. This is Daniel Kelly on behalf of the defendants, as well as Maria Lazar. Prior to going on the record we had a discussion amongst counsel with respect to interposing objections. We agreed that if one person made an objection to a question it would stand as an objection for each of the attorneys on behalf of their clients without the need to have each attorney repeating the objection. Counsel, is that your understanding?

MR. HASSETT: Yes.

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1 MR. MCLEOD: Yes.
 2 MR. KASPER: Yes.
 3 MR. POLAND: Yes.
 4 MR. MCLEOD: And, Doug, if I may
 5 before we begin the deposition, I just wanted
 6 to state for the record the continuing
 7 objection that we have to this deposition as
 8 well as the information that has been
 9 produced in response to the subpoena as
 10 stated in our motion to quash and our
 11 subsequent motion for clarification
 12 concerning the motion to quash.
 13 It is our position that any information
 14 sought from Mr. Handrick is privileged
 15 pursuant to one of three privileges, the
 16 legislative privilege, attorney-client
 17 privilege, and attorney work product
 18 privilege. Mr. Handrick was retained by
 19 counsel for the purpose of assisting counsel
 20 in the provision of legal services to our
 21 clients, the legislature, senate assembly in
 22 anticipation of litigation. Again, the
 23 specific grounds and the support for that
 24 objection are set forth in the motion that we
 25 filed, so I won't burden everybody with

1 restating those grounds here.
 2 I also understand from speaking to the
 3 plaintiffs' counsel here prior to the
 4 deposition that a standing objection will not
 5 be sufficient throughout the course of this
 6 deposition, so to the extent necessary, I
 7 will be asserting individual objections on
 8 these privileged grounds. I will be
 9 abbreviating the objection to privilege,
 10 attorney work product, attorney-client,
 11 et cetera, so as not to spend time
 12 unnecessarily on objections.
 13 The goal here is not to obstruct or
 14 delay in any way the deposition. It's simply
 15 to make sure that we have preserved those
 16 objections for purposes of any subsequent
 17 appeal. And recognizing the Court's order is
 18 what it is, we're obviously appearing, and
 19 we're going to be providing that information
 20 which we understand to be required according
 21 to that order.
 22 So I appreciate your patience in
 23 allowing me to make that objection
 24 preliminarily. And, again, I will be
 25 restating that in a very abbreviated fashion

1 as necessary during the course of the
 2 deposition today.
 3 MR. POLAND: And I understand that.
 4 This is Doug Poland for the plaintiffs. I
 5 understand Mr. McLeod's position. And we
 6 likewise will incorporate the arguments that
 7 we raised in our papers that we filed in
 8 opposition to the motion for clarification
 9 that Mr. McLeod filed. So we'll understand
 10 that the short -- the objections are
 11 shorthand for what's already pending in front
 12 of the Court, incorporating those arguments.
 13 MR. MCLEOD: Very well.
 14 MR. POLAND: Anything else anyone
 15 needs to state on the record before we begin?
 16 Okay.
 17 (By Mr. Poland)
 18 Q Good morning, Mr. Handrick. You're here -- I
 19 should -- I should ask you before we start. Have
 20 you given a deposition before?
 21 A No.
 22 Q Okay. The reason that I ask is that you nodded
 23 your head in response to the first statement that
 24 I made. And since we're at a deposition, the
 25 court reporter is taking down everything that you

1 say, so you need to answer audibly. Shakes of the
 2 head, nods of the head yes or no, the court
 3 reporter can't get those down in the transcript.
 4 We obviously have a videographer as well.
 5 We'll see that, but many people will look at a
 6 transcript, and they won't be able to tell if
 7 you're responding in one way affirmatively or not.
 8 So we do need to have you answer each of the
 9 questions audibly. Do you understand that?
 10 A Yes.
 11 Q Okay. Great. Thank you. You're here today
 12 pursuant to a subpoena; is that correct?
 13 A Yes.
 14 Q Okay. I'm going to ask the court reporter to mark
 15 as Exhibit 1 the subpoena.
 16 (Exhibit No. 1 marked for
 17 identification)
 18 Q Mr. Handrick, I'm handing to you a document that's
 19 been marked as deposition Exhibit No. 1. Do you
 20 see that in front of you?
 21 A Yes.
 22 Q Okay. And that is a subpoena for your deposition
 23 here today. Have you seen this document before?
 24 A Yes.
 25 Q Do you recall when you saw a copy of Exhibit 1 for

1 the first time?
 2 A No, I don't.
 3 Q Do you know when it -- if it was within the last
 4 week or so?
 5 A I don't recall exactly.
 6 Q Okay. The cover letter, as you'll see on
 7 Exhibit 1, is dated December 13. Do you see that?
 8 A Yes.
 9 Q Would you assume that you saw this document on or
 10 after December 13?
 11 A Yes.
 12 Q I'm going to ask you to turn to the very last page
 13 of Exhibit No. 1. And do you see there at the top
 14 of the last page of Exhibit No. 1 there's a header
 15 that says Exhibit A?
 16 A Yes.
 17 Q All right. And you see that there are
 18 five numbered paragraphs on that page?
 19 A Yes.
 20 Q All right. Do you understand that this was a
 21 request that you bring with you documents to the
 22 deposition this morning?
 23 A Yes.
 24 Q All right. Who gave you a copy of Exhibit 1, the
 25 deposition subpoena?

13

1 A I don't recall.
 2 Q You're represented by counsel here today,
 3 Mr. McLeod?
 4 A Yes.
 5 Q All right. And you're employed by
 6 Reinhart Boerner Van Deuren law firm; is that
 7 correct?
 8 A Yes.
 9 Q And Mr. Kelly also is employed by the Reinhart law
 10 firm; is that correct?
 11 A Yes.
 12 Q And he is representing the
 13 Government Accountability Board; is that your
 14 understanding?
 15 A That's my understanding.
 16 Q In this lawsuit, correct?
 17 Is he representing you here personally today
 18 as a witness?
 19 A Not that I'm aware of.
 20 Q Okay.
 21 MR. KELLY: Just so the record is
 22 clear, to the extent that any questions
 23 should touch on matters subsequent to
 24 November 26 -- or November 22, in which our
 25 law firm was retained by the defendants in

14

1 this case, we will be representing
 2 Mr. Handrick.
 3 MR. POLAND: Just to make sure I
 4 understand that, Dan, for anything that comes
 5 up that postdates November 22?
 6 MR. KELLY: November 22 and
 7 forward, correct.
 8 MR. POLAND: Okay. For the purpose
 9 of responding to the subpoena, which was
 10 served after November 22 --
 11 MR. KELLY: Not.
 12 MR. POLAND: -- you're not
 13 representing. Okay.
 14 MR. KELLY: Correct.
 15 MR. POLAND: All right. I'll see
 16 if I can keep that straight.
 17 Q Do you recall whether you were given a copy of the
 18 subpoena by somebody with Mr. McLeod's law firm,
 19 Michael Best & Friedrich, or by your own law firm?
 20 A No, I don't recall.
 21 Q Okay. Turning your attention back to this last
 22 page of Exhibit 1, and these are the categories of
 23 documents. Did you have an opportunity to read
 24 through each of the categories of documents that
 25 are enumerated on Exhibit 1?

15

1 A Yes.
 2 Q All right. And you understood that you were to
 3 look through materials in your, in your
 4 possession, custody, or control that fell into
 5 these categories of documents?
 6 A Yes.
 7 Q And did you do that, sir?
 8 A Yes.
 9 Q All right. Did you bring documents with you this
 10 morning?
 11 A I did not bring documents with me.
 12 Q You did not bring any documents personally with
 13 you this morning?
 14 A No.
 15 Q Okay. Did you have -- when you looked through
 16 these categories of documents and you looked for
 17 documents in your possession, custody, or control
 18 that were requested in Exhibit No. 1 here, did you
 19 find any documents that were responsive to these
 20 categories?
 21 MR. MCLEOD: Let me assert an
 22 objection. Documents were brought today by
 23 Mr. Handrick through his counsel here. So to
 24 the extent there's some misunderstanding
 25 about the question, he certainly did. I'm

16

1 not trying to make a speaking objection here,
 2 but documents were produced by Mr. Handrick
 3 through his representative as directed by
 4 the, by the subpoena.
 5 Q Okay. Did you look through materials in your
 6 possession, custody, or control for documents that
 7 were responsive to Exhibit No. 1?
 8 A Yes.
 9 Q All right. And did you find any documents that
 10 were responsive to Exhibit No. 1?
 11 A Yes.
 12 Q All right. What did you do with those documents?
 13 A I provided those to counsel.
 14 Q Okay. You provided those to Mr. McLeod?
 15 A Yes.
 16 Q All right. And are those the documents that you
 17 brought with you this morning?
 18 Why don't we mark them as an exhibit, and
 19 then we can see. Let's mark -- let's mark the
 20 paper copies here as a group exhibit,
 21 Exhibit No. 2. And let's mark this -- it's either
 22 a CD or DVD -- as Exhibit No. 3.
 23 (Exhibit Nos. 2 and 3 marked for
 24 identification)
 25 Q Mr. Handrick, I'm going to hand to you

17

1 two pages; is that correct?
 2 A Yes.
 3 Q All right. And those are -- could you describe
 4 what it is that you've separated out.
 5 A This is a population total of the old state
 6 legislative map.
 7 Q Okay. And let's mark that separately as
 8 Exhibit 2A. Can you do that? So we keep the
 9 record clear.
 10 (Exhibit No. 2A marked for
 11 identification)
 12 Q Mr. Handrick, I'm handing you what we've now
 13 marked as Exhibit 2A. And is Exhibit 2A -- that's
 14 the only document that's contained within
 15 Exhibits 2 and 3 that you gave to Mr. McLeod?
 16 A Yes.
 17 Q All right. So in response to Exhibit No. 1, which
 18 is the subpoena and the document requests, of all
 19 the files, all the records that you searched,
 20 Exhibit 2A was the only document that you found
 21 that was responsive to these requests?
 22 A Yes.
 23 Q Okay. Do you know what the, what the other
 24 materials are in Exhibit 2 that were produced here
 25 this morning?

19

1 two exhibits. One has been marked Exhibit No. 2,
 2 and that's a collection of papers. And another
 3 has been marked Exhibit No. 3, and it's a disk.
 4 It's either a CD or a DVD. I can't tell. Okay.
 5 So you have these documents in front of you, sir?
 6 A Yes.
 7 Q All right. Are these documents -- these were
 8 documents I'll represent that were handed to me
 9 this morning when you arrived here by your
 10 counsel, Mr. McLeod. And the question is whether
 11 Exhibit No. 2 and Exhibit No. 3 are documents that
 12 you gave to Mr. McLeod. And you can take -- you
 13 can look through them.
 14 (Witness reviews document)
 15 A Could you please restate your question?
 16 MR. POLAND: Sure. Could you read
 17 the question back?
 18 (Question read)
 19 A Only a portion.
 20 Q Okay. Of the documents that have been marked
 21 Exhibit No. 2 and Exhibit No. 3, you only gave a
 22 portion of those documents to Mr. McLeod --
 23 A Yes.
 24 Q -- is that correct? All right.
 25 And you've separated out -- you separated out

18

1 A Yes.
 2 Q Have you seen those documents before?
 3 A Partially.
 4 Q Okay. Which of those documents have you seen
 5 before?
 6 A This document (indicating), this document
 7 (indicating), this document (indicating), this
 8 document (indicating), and these pages of this
 9 document (indicating).
 10 Q Okay. So we can just take these apart here. So
 11 these ones right here (indicating) are the ones
 12 that you had seen?
 13 A These (indicating) --
 14 Q Okay.
 15 A -- no. The answer to your question, I've seen
 16 this portion (indicating).
 17 Q That portion. Okay. Got it. All right. So
 18 let's go through these here just quickly so I
 19 understand what we are dealing with. Documents
 20 that you've seen before within Exhibit No. 2 -- or
 21 actually, strike that question.
 22 The only document within Exhibit 2 that you
 23 haven't seen before is which one?
 24 A This document (indicating).
 25 Q Okay.

20

1 A This portion of this document (indicating).
 2 Q Okay. And so you're referring there to -- there's
 3 a stapled collection of invoices; is that correct?
 4 My copy is stapled. Yours is paper clipped.
 5 A Yes.
 6 Q All right. And that begins with an invoice dated
 7 March 23; that's the first page?
 8 A Yes.
 9 Q And if you flip to the very back page of that, it
 10 says at the top invoice -- that's an invoice dated
 11 August 31, 2011, last page of it?
 12 A Yes.
 13 Q All right. And so that of Exhibit 2, that
 14 collection of invoices, that's the only part of
 15 Exhibit 2 that you haven't seen before; is that
 16 correct?
 17 A That is correct.
 18 Q All right. Great. Of the other -- of the other
 19 materials contained within Exhibit 2, there is a
 20 letter dated February 18, and that has attached to
 21 it a copy of a letter dated February 17 and a
 22 letter dated February 15 and then a memorandum at
 23 the very back?
 24 A Yes.
 25 Q Okay. And that's a document you have seen before,

21

1 correct?
 2 A Yes.
 3 Q All right. Then of the other documents that are
 4 contained within Exhibit No. 2, there is two pages
 5 of handwritten notes. You've seen that document
 6 before?
 7 A Yes.
 8 Q Whose notes are those?
 9 A Those are my notes.
 10 Q Okay. Did you retain a copy of these notes in
 11 your own files?
 12 A No.
 13 Q Do you know when you made these notes?
 14 A No.
 15 Q Do you know where this copy of the notes came
 16 from?
 17 A No.
 18 Q You can set those to the side for just a moment.
 19 There's another document then that has some
 20 numbers on it, some red printing, and it says
 21 "Districts that have been cleaned up through
 22 Thursday are." Do you see that document?
 23 A Yes.
 24 Q And that's two pages, correct, or are those two
 25 separate pages?

22

1 A They are two separate pages.
 2 Q All right. Does it appear to be the same?
 3 A No.
 4 Q It does not appear to be the same. Okay. What
 5 are the differences?
 6 A In one of the two documents the number 91 is in
 7 red.
 8 Q Okay. Did you create this, these two pages?
 9 A Yes.
 10 Q When did you create them?
 11 A I don't recall.
 12 Q Do you recall what you used to create these with?
 13 Was it in terms of, like, a software package or a
 14 specific program or application?
 15 A I don't recall specifically.
 16 Q Were they created within the 2011 calendar year?
 17 A Yes.
 18 Q All right. And so they were created as part of
 19 your work in the legislative redistricting?
 20 A Yes.
 21 Q Did you retain a copy of these two pages in your
 22 own materials?
 23 A No.
 24 Q Do you know who -- whose copy this is that was
 25 produced here this morning?

23

1 A No, I do not.
 2 Q All right. And then the portion of Exhibit 2 that
 3 actually has the exhibit sticker on it, at the
 4 very top it says *Census Geography Splits*. Do you
 5 see that? Can you tell me what this document is.
 6 A This is a report for a map that indicates counties
 7 and municipalities that have been divided between
 8 one or more legislative districts.
 9 Q Did you create the report, this particular report?
 10 A No.
 11 Q Do you know who did create it?
 12 A No.
 13 Q At the bottom of the first page of this document,
 14 the *Census Geography Splits* document, do you see
 15 it has an icon in the lower left corner that says
 16 autoBound?
 17 A Yes.
 18 Q Can you tell me what autoBound is.
 19 A AutoBound is a software that is used in the
 20 redistricting process.
 21 Q Have you used autoBound before?
 22 A Yes.
 23 Q Are you trained on autoBound, or have you received
 24 training on autoBound?
 25 A No.

24

1 Q Did you use autoBound for any of your work in the
2 redistricting that's reflected in the 2000
3 Wisconsin -- 2011 Wisconsin Acts 43 and 44?
4 A Yes.
5 Q When was the first time that you used autoBound,
6 period, in your entire career doing redistricting
7 work?
8 A 2001.
9 Q Okay. You did not use it for the 1991 or 1992
10 redistricting?
11 A I don't recall what was used.
12 Q Do you know, was autoBound available back then?
13 A I don't know.
14 Q Don't know. You can set that to the side for just
15 a moment. Oh, one other question. Did you -- the
16 work that you did on autoBound for the 2011
17 Wisconsin Acts 43 and 44 in the redistricting, did
18 you retain any of the reports or work that you did
19 with autoBound?
20 A Yes.
21 Q Okay. And what was it that you retained?
22 A This document (indicating).
23 Q Okay. That we've marked as Exhibit 2A?
24 A Yes.
25 Q All right. So the Exhibit 2A, that's a report

25

1 A I don't know that date.
2 Q Roughly, do you know if March, April time frame?
3 A I believe it's roughly April, early April.
4 Q Okay. Do you recall how you received the census
5 data?
6 A No.
7 Q Do you remember whether you pulled it off a
8 website or somebody gave it to you?
9 A No.
10 Q Do you recall whether you received it from
11 Mr. McLeod's law firm?
12 MR. MCLEOD: I'm going to assert --
13 I'm going to assert a privilege to the extent
14 that the question calls for communications
15 between counsel and Mr. Handrick, which would
16 be subject to the attorney-client, attorney
17 work product privilege. Subject to that you
18 can answer the question.
19 A When I saw census data, it was at the law firm.
20 Q And at the law firm, you mean at Michael Best &
21 Friedrich?
22 A Yes.
23 Q As opposed to your own law firm, Reinhart? All
24 right. I'm just trying to keep the two --
25 A Yes.

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1 that was printed in autoBound?
2 A Yes.
3 Q And I notice that the report, the thicker report
4 that had the Exhibit 2 sticker on it, it has the
5 date up at the top, June 15, 2011 date. The
6 report that's been marked as 2A does not have a
7 date on it; is that correct?
8 A That is correct.
9 Q Do you know whether Exhibit 2A would have been
10 created on or around the same time as Exhibit 2,
11 the date that's June 15, 2011?
12 A No.
13 Q Would it have been created before?
14 A Yes.
15 Q Do you know when it would have been created
16 before?
17 A No, I do not.
18 Q Okay. Is there a way to determine from the file
19 that you've retained when it was created?
20 A Only that it was created after the census was
21 taken.
22 Q Or after the census data became available?
23 A Yes.
24 Q When did the census data become available? And
25 this is for the 2010 decennial census.

26

1 Q -- okay, separate.
2 When you worked at Michael Best & Friedrich
3 and saw the census data, was that in the Milwaukee
4 office or the Madison office?
5 A In the Madison office.
6 Q Do you work out of -- your own firm, Reinhart, do
7 you work out of the Milwaukee office or the
8 Madison office --
9 A Both.
10 Q -- or both?
11 Do you currently live in the Milwaukee area?
12 A Yes.
13 Q Is your primary residence in the Milwaukee area?
14 A No.
15 Q Where is your primary residence?
16 A Minocqua.
17 Q And then you also have a residence in the
18 Milwaukee area?
19 A Not a residence.
20 Q Okay.
21 A I live there.
22 Q Okay. Live in Milwaukee, in the city of Milwaukee
23 itself?
24 A No.
25 Q Where do you -- where do you live in the Milwaukee

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VIDEOTAPE DEPOSITION OF JOSEPH W. HANDRICK 12/20/2011

1 area?
 2 A The city of Port Washington.
 3 Q So two residences, one in Port Washington and then
 4 one in Minocqua?
 5 A Yes.
 6 Q And you work out of both the Reinhart office in
 7 Madison and in Milwaukee?
 8 A Yes.
 9 Q Do you maintain files relating to your
 10 redistricting work in both Reinhart's Madison
 11 office and the Milwaukee office?
 12 A No.
 13 Q All right. Do you have them only in one office?
 14 A I do not retain files related to redistricting.
 15 Q Why don't you retain files related to
 16 redistricting?
 17 A Reinhart was retained by Michael Best & Friedrich
 18 to assist them, so I did not retain files on the
 19 matter.
 20 Q Okay. Did somebody tell you not to retain files?
 21 A Yes.
 22 Q Okay. Who told you not to retain files?
 23 MR. MCLEOD: I'm going to assert
 24 the same objection to the extent it calls for
 25 attorney-client privileged information,

1 work product doctrine and to the extent the
 2 question requires you to answer with respect
 3 to that topic. And I instruct you not to
 4 answer.
 5 If you can answer the question without
 6 discussing anything that occurred on
 7 November 22 or after, then you may.
 8 Q Okay. Let's talk first about before November 22.
 9 Okay. What did you take off the premises of
 10 Michael Best & Friedrich that related to
 11 redistricting?
 12 A This document (indicating).
 13 Q Okay. So -- and by *this document*, you mean
 14 Exhibit -- what's been marked as Exhibit 2A?
 15 A Yes.
 16 Q All right. And that's the, that's the only piece
 17 of paper or other file that you took off the
 18 premises of Michael Best & Friedrich that relates
 19 to redistricting; is that correct?
 20 A Yes.
 21 Q All right. I actually need to go back because I
 22 did forget to ask you about one other item that
 23 you brought with you today. And that's been
 24 marked as deposition Exhibit 3. It is a -- it's
 25 either a CD or a DVD for the record here that has

1 attorney work product.
 2 Q Okay. You can answer the question.
 3 A Can you please restate the question?
 4 MR. POLAND: Sure. Can you read it
 5 back?
 6 (Question read)
 7 A As someone who's assisting legal counsel, I was
 8 requested by legal counsel to not remove any files
 9 from their offices.
 10 Q So everything that you looked at was at
 11 Michael Best & Friedrich; is that correct?
 12 A Yes.
 13 Q All right. You didn't take anything off of the
 14 premises of Michael Best & Friedrich relating to
 15 redistricting?
 16 A That is not correct.
 17 Q Okay. What did you take off the premises of
 18 Michael Best & Friedrich that relates to
 19 redistricting?
 20 A This document (indicating).
 21 MR. KELLY: I'll object to the
 22 extent the question calls for a response with
 23 respect to any work that he's done on
 24 November 22 or subsequent thereto as being
 25 covered by the attorney-client privilege and

1 a label *Joe Handrick, Draft Maps - Block*
 2 *Assignment Files*. I'm going to hand a copy of
 3 that to you and ask you have you seen Exhibit 3
 4 before?
 5 A Yes.
 6 Q And what is Exhibit 3?
 7 A My understanding is this is a disk containing maps
 8 upon which I worked.
 9 Q Okay. And the work that you did, that was work
 10 that would have been performed at Michael Best &
 11 Friedrich's offices as well?
 12 A Yes.
 13 Q And that was at the Michael Best offices in
 14 Milwaukee, is that correct, or in Madison?
 15 A Michael Best offices in Madison.
 16 Q In Madison. Did you -- did you ever perform any
 17 work on the maps in Michael Best's Milwaukee
 18 office?
 19 A No.
 20 Q All right. So all of the work that you performed
 21 on redistricting in 2011 was performed in
 22 Michael Best's offices in Madison; is that
 23 correct?
 24 A Yes.
 25 Q Who was present during the time that -- at

1 Michael Best's offices in Madison during the time
 2 you were doing redistricting work there?
 3 MR. MCLEOD: I'm going to assert
 4 the objection to the extent it calls for
 5 attorney-client, attorney work product
 6 information. To the extent it does, I'd
 7 instruct the witness not to answer.
 8 MR. KELLY: And I assert the same
 9 objection.
 10 Q Okay. I'm only talking about the time here now
 11 before November 22, so that should take care of
 12 Mr. Kelly's objection for the time being.
 13 So let me -- can you read back the question?
 14 (Question read)
 15 MR. MCLEOD: I'm going to object to
 16 the form of the question as vague. Subject
 17 to my privilege objection and to my form
 18 objection Mr. Handrick can answer.
 19 MS. LAZAR: I would also object
 20 that it's not temporally limited in scope.
 21 Are you talking -- could you give him a time
 22 frame, please?
 23 Q Sure. When were you first retained by
 24 Michael Best & Friedrich to perform work on
 25 redistricting?

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1 February 15, 2011?
 2 A Yes.
 3 Q I'd like you to take a look at the first
 4 paragraph, please. Do you see where it states
 5 "This letter confirms our engagement of
 6 Joseph W. Handrick as a consultant in connection
 7 with our representation of the Wisconsin State
 8 Senate, by its Majority Leader Scott L. Fitzgerald
 9 and the Wisconsin State Assembly, by its Speaker
 10 Jeff Fitzgerald"? And then in parens it says
 11 "(the 'client') in the above matter, which
 12 involves potential litigation." Do you see that?
 13 A Yes.
 14 Q All right. Does this refresh your recollection
 15 that you were retained on or about February 15,
 16 2011 by Mr. McLeod's law firm?
 17 A Yes.
 18 Q All right. If you look in the second paragraph,
 19 do you see that first sentence? There's a
 20 reference to the consulting work that you'll be
 21 doing, correct?
 22 A Yes.
 23 Q And that states that you'll be providing
 24 consultation on Wisconsin demographic matters, and
 25 then it goes on the rest of the paragraph?

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1 A I do not recall.
 2 Q Okay. I'm going to ask you to take a look at --
 3 actually, this is a separate exhibit here. We'll
 4 make it a little bit cleaner here.
 5 (Exhibit No. 4 marked for
 6 identification)
 7 Q I'm going to hand you that. We can go ahead and
 8 mark two other exhibits here.
 9 (Exhibit Nos. 5 and 6 marked for
 10 identification)
 11 Q Mr. Handrick, I've had the court reporter mark
 12 three documents as exhibits, and you should have
 13 those in front of you now. They should be marked
 14 as Exhibits 4, 5, and 6. Do you see those?
 15 A Yes.
 16 Q Okay. I'd like you to take a look at
 17 Exhibit No. 4, please. Can you identify
 18 Exhibit No. 4 for me, please.
 19 A Yes.
 20 Q What is Exhibit No. 4?
 21 A It is a letter to Don Millis and myself from
 22 Michael Best & Friedrich.
 23 Q Have you seen Exhibit No. 4 previously?
 24 A Yes.
 25 Q And did you receive Exhibit No. 4 on or about

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1 A Yes.
 2 Q Okay. And then I'd like you to turn your
 3 attention to the third paragraph. Do you see that
 4 it states you will be paid \$5,000 per month,
 5 beginning of the date of this engagement letter
 6 and continuing through May 2012 or until the
 7 retention is terminated, correct?
 8 A Yes.
 9 Q And then if you turn the page, you'll see
 10 two signatures there, correct? One under
 11 Mr. McLeod's signature line, correct?
 12 A Yes.
 13 Q And then there is another signature line further
 14 down, and there appears to be a signature in that
 15 line as well, doesn't there?
 16 A Yes.
 17 Q Do you know whose signature that is?
 18 A I do not.
 19 Q Okay. Do you know whether it's Mr. Millis's
 20 signature?
 21 A I do not.
 22 Q Who is Mr. Millis?
 23 A Mr. Millis is an attorney at the Reinhart law
 24 firm.
 25 Q Do you work with Mr. Millis?

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1 A Yes.
 2 Q And it appears that it's -- the signature is dated
 3 February 17, 2011?
 4 A Yes.
 5 Q Is it your understanding that on or about
 6 February -- sometime between February 15 and
 7 February 17, 2011 you were retained to work on the
 8 redistricting?
 9 A Yes.
 10 Q I'd like you to -- you can set that aside. I'd
 11 like you to look at Exhibits 5 and 6. Have you
 12 seen Exhibits 5 and 6 before?
 13 A Yes.
 14 Q Could you identify them, please, for the record.
 15 A Exhibit 5 is a letter to Eric McLeod from
 16 Don Millis. Exhibit 6, the same.
 17 Q Okay. And Exhibit 5 is a letter dated
 18 February 17, correct?
 19 A Yes.
 20 Q And Exhibit No. 6 is a letter dated February 18,
 21 correct?
 22 A Yes.
 23 Q Okay. And you are copied on both those letters;
 24 you're identified as a cc?
 25 A Yes.

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1 the two?
 2 A Yes.
 3 Q All right. Do you -- you were retained as an
 4 employee of the Reinhart law firm; is that
 5 correct?
 6 A No.
 7 Q All right. What's your understanding of your
 8 engagement?
 9 A Reinhart -- my understanding is Reinhart was
 10 retained by Michael Best & Friedrich.
 11 Q Okay. So the law firm of Reinhart in general?
 12 A Yes.
 13 Q Why were the -- why was Mr. McLeod's original
 14 letter sent to you, and why were you cc'd on the
 15 two letters from Mr. Millis back to Mr. McLeod?
 16 A I don't know.
 17 Q Is it your understanding that you were primarily
 18 going to be responsible for doing the work with
 19 Michael Best & Friedrich on the redistricting?
 20 A My understanding is that Reinhart was going to ask
 21 me to provide assistance to the client that they
 22 had retained.
 23 Q Or the client that had retained Reinhart?
 24 A Yes. I'm sorry.
 25 Q Now, you were just hired by Reinhart about a year

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1 Q All right. I'd like you to turn to the last page
 2 of both of those letters, Exhibits 5 and 6, and
 3 I'd like you to look at the last paragraph of both
 4 letters. And I'll read -- I believe that
 5 they're -- they are the same, but let me read it.
 6 It states "You will be deemed to have accepted
 7 this arrangement on the terms and conditions of
 8 this letter and its enclosure upon your failure to
 9 object to these terms in writing within ten days
 10 of the date of this letter." Do you see that
 11 language?
 12 A Yes.
 13 Q All right. Do you know whether Mr. McLeod or
 14 anyone from Michael Best & Friedrich ever objected
 15 to the terms stated in those letters?
 16 A I do not know that.
 17 Q Is it your understanding that your engagement was
 18 pursuant to Mr. McLeod's original letter that's
 19 Exhibit 4 and then the two letters from Mr. Millis
 20 that are Exhibits 5 and 6?
 21 A The Reinhart engagement.
 22 Q Correct. You're saying Reinhart's engagement as
 23 opposed to your engagement?
 24 A Yes.
 25 Q All right. So you're making a distinction between

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1 ago, correct?
 2 A Yes.
 3 Q That was in around December of 2010?
 4 A Yes.
 5 Q Do you have a curriculum vitae or a resume?
 6 A No.
 7 Q All right. I want to go back to a question that I
 8 was asking you before we went down and established
 9 Reinhart's engagement on or around February 15 for
 10 the purpose of legislative redistricting. And so
 11 I want to ask you between that time and
 12 November 22, which is the date Mr. Kelly
 13 identified, who did you -- who was present while
 14 you were working at Michael Best & Friedrich on
 15 redistricting?
 16 MR. MCLEOD: I'm going to assert
 17 the same objection on the grounds of
 18 attorney-client, attorney work product
 19 privileges to the extent that the answer
 20 requires disclosure of information. Subject
 21 to those privileges I'd instruct Mr. Handrick
 22 not to answer.
 23 Q So you can answer the question.
 24 A Please restate the question.
 25 (Question read)

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1 MR. MCLEOD: I'm also going to
 2 restate the objections raised previously
 3 concerning vagueness and relatedly the
 4 failure to describe any time period, which is
 5 a problem with the form of the question.
 6 Subject to that you can answer.
 7 A I can't recall.
 8 Q Are -- your counsel had instructed you not to
 9 answer to the extent it was going to reveal
 10 attorney-client privileged information. Are you
 11 following your counsel's instruction not to answer
 12 the question with respect to privileged
 13 information?
 14 A No. I can't recall the answer to your question.
 15 Q Okay. You don't recall anyone who was present at
 16 any time during -- between February 15, 2011 and
 17 November 22, 2011 when you were working on
 18 redistricting matters at Michael Best & Friedrich?
 19 A Certainly I do.
 20 Q Okay. Who was present?
 21 MR. MCLEOD: I'm going to assert
 22 the same objections as I did before.
 23 A At all times?
 24 Q Not at all times. Just identify for me as many
 25 people as you can remember who were present, and

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1 we'll go through them, and we'll take them one by
 2 one.
 3 A Tad Ottman, Adam Foltz, Jim Troupis, Eric McLeod,
 4 Ray Taffora, legislative leadership.
 5 Q Okay. And who among the legislative leadership
 6 was present?
 7 A Speaker Jeff Fitzgerald, Majority Leader
 8 Scott Fitzgerald.
 9 Q During that entire time period, February 15, 2011
 10 to November 22, 2011, while you were at
 11 Michael Best & Friedrich, were there any other
 12 people who were present with you at that time
 13 other than the people you've just mentioned?
 14 A Yes.
 15 Q Who else was present?
 16 A Sarah Troupis, Robin Vos, Rich Zipperer,
 17 Keith Gaddie.
 18 Q Okay. Anyone else that you can remember being
 19 present?
 20 A I can't recall anyone else.
 21 Q All right. So let's go back through and identify
 22 each of these people. You mentioned Tad Ottman.
 23 Who is Mr. Ottman?
 24 A Mr. Ottman is an employee of the state
 25 legislature.

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1 Q Do you know who specifically he works for?
 2 A My understanding is he works for the
 3 Senator Scott Fitzgerald.
 4 Q Why was he present during the time that you were
 5 working on legislative redistricting at
 6 Michael Best & Friedrich?
 7 MR. MCLEOD: I'm going to object --
 8 I'm sorry. I'm going to object to the form
 9 of the question. I think it's vague and
 10 ambiguous.
 11 Q You can answer.
 12 MR. MCLEOD: To the extent you
 13 understand the question, you can answer.
 14 A Please repeat the question.
 15 Q Sure.
 16 (Question read)
 17 A He's an assistant to Senator Scott Fitzgerald.
 18 Q And what did Mr. Ottman do while he was with you
 19 at Michael Best & Friedrich working on legislative
 20 redistricting?
 21 MR. MCLEOD: I'm going to object to
 22 the form of the question. I think it's vague
 23 and ambiguous.
 24 Q You can answer.
 25 A Can you please repeat the question?

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1 (Question read)
 2 A He worked on behalf of his employer.
 3 Q What did you observe him doing?
 4 A He would -- he would develop -- he would develop
 5 maps at the direction of -- actually, I don't know
 6 whose direction. He would develop maps.
 7 Q Okay. How many times did you see him at
 8 Michael Best & Friedrich when you were there?
 9 A Oh, I don't know.
 10 Q Can you give me a ballpark?
 11 A Dozens.
 12 Q You were both present at Michael Best together
 13 working on legislative redistricting dozens of
 14 times; is that correct?
 15 A Yes.
 16 Q What was he physically doing when he was -- when
 17 you saw him developing maps?
 18 MR. MCLEOD: Object to the form of
 19 the question. I think it's vague and
 20 ambiguous.
 21 A I did not observe him or monitor him as he, as he
 22 drew maps.
 23 Q You didn't see him drawing any maps at all?
 24 A I'm sorry?
 25 Q If you answered the question, I didn't hear it.

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1 A Oh.
 2 Q You didn't see him drawing any maps?
 3 A I'm aware that he was drawing maps.
 4 Q Okay.
 5 A I did not oversee him drawing the maps.
 6 Q But did you physically observe him drawing maps?
 7 A Oh, yes.
 8 Q Was he sitting at a computer as he was drawing
 9 maps?
 10 A Yes.
 11 Q Was he -- did he have his hand on the mouse? Was
 12 he clicking things? Was he typing on a keyboard?
 13 What was he doing physically when you saw him
 14 working on the maps?
 15 A I would imagine all of the above.
 16 Q Okay. Was anybody else in the room with
 17 Mr. Ottman when you observed him working on the
 18 maps?
 19 A Sometimes.
 20 Q Who did you see in the room with Mr. Ottman when
 21 he was working on the maps?
 22 A Adam Foltz.
 23 Q Anyone else?
 24 A While he was working on maps, no.
 25 Q Okay. Was there anyone else communicating with

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1 Mr. Ottman or Mr. Foltz while you saw Mr. Ottman
 2 working on the maps?
 3 A Yes.
 4 Q Who was communicating with him?
 5 A Legal counsel.
 6 Q Who -- which legal counsel?
 7 A The legal counsel I recall, Eric McLeod,
 8 Ray Taffora, Jim Troupis, and Sarah Troupis.
 9 Q Were they present in the room as well?
 10 A At times.
 11 Q At times. Okay. Were they ever on the telephone?
 12 A Oh, I don't recall.
 13 Q What about Mr. Gaddie; was Mr. Gaddie ever present
 14 with Mr. Ottman or Mr. Foltz when you saw them
 15 working on maps?
 16 A Not that I recall.
 17 Q Did you ever see -- were you ever present with
 18 Mr. Foltz at Michael Best & Friedrich when
 19 Mr. Ottman wasn't there?
 20 A Yes.
 21 Q And what was the -- strike that question.
 22 How many times did you see Mr. Foltz there
 23 when Mr. Ottman was not there?
 24 A I don't -- I don't recall that number.
 25 Q As many times as with Mr. Ottman, dozens of times?

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1 A Could you please repeat your original question?
 2 Q Well, let me ask it this way: How many times were
 3 you and Mr. Foltz at Michael Best & Friedrich when
 4 Mr. Ottman was not present?
 5 A Not present?
 6 Q Yes.
 7 A I don't recall the exact number.
 8 Q Would it have been as many as dozens of times that
 9 you mentioned with Mr. Ottman?
 10 A No.
 11 Q What did you observe Mr. Foltz doing when you were
 12 together at Michael Best & Friedrich?
 13 A Same work that Mr. Ottman was performing.
 14 Q Did you ever observe either Mr. Foltz or
 15 Mr. Ottman working on any physical pieces of
 16 paper?
 17 A Yes.
 18 Q What were the -- what were the physical pieces of
 19 paper that they were working on?
 20 A It was a large map that takes this data
 21 (indicating) and makes it spatial.
 22 Q Okay. And by *this data*, you're referring to
 23 Exhibit 2A?
 24 A Correct.
 25 Q And that was the -- that reflects the old

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1 legislative districts, correct?
 2 A Correct.
 3 Q And by the *old legislative districts*, we mean the
 4 districts that were put into place in 2002 by the
 5 Court, correct?
 6 A Yes.
 7 Q All right. Is there a specific software program
 8 that does that?
 9 A I don't know --
 10 Q Okay.
 11 A -- how that's produced.
 12 Q So they were looking at -- they were looking at
 13 maps that were, that were printed, and it was a
 14 spatial representation of the data in Exhibit 2A?
 15 A Of some of the data.
 16 Q Of some of the data. Okay. Do you know which of
 17 the data in particular?
 18 A Yes.
 19 Q And which data was that?
 20 A That data would have been the left-hand column and
 21 the column headed *Difference*.
 22 Q So the left-hand column, that was -- that was the
 23 district, correct?
 24 A Correct.
 25 Q And these are the assembly districts?

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1 A Yes.
 2 Q And then the column that's headed with the word
 3 *Difference*?
 4 A Yes.
 5 Q What does the *Difference* column represent?
 6 A My understanding is that the *Difference* column
 7 represents the variance from the target population
 8 of each of the districts enumerated following the
 9 2010 census.
 10 Q You mentioned that also present with you at times
 11 at Michael Best & Friedrich were Jeff Fitzgerald
 12 and Scott Fitzgerald, correct?
 13 A Yes.
 14 Q When was Jeff Fitzgerald present with you at
 15 Michael Best & Friedrich?
 16 A I don't recall exactly.
 17 Q Do you recall what Jeff Fitzgerald was doing when
 18 he was with you at Michael Best & Friedrich?
 19 MR. MCLEOD: I'm going to object to
 20 the form of the question. I think it
 21 misstates a prior answer, and it's vague and
 22 ambiguous.
 23 Q You can answer the question.
 24 A Can you please repeat the question?
 25 (Question read)

1 A Yes.
 2 Q Did you assist Mr. Ottman and Mr. Foltz in
 3 creating these regional options that they
 4 presented to Mr. Fitzgerald?
 5 A I created some of them.
 6 Q Which ones specifically did you create?
 7 A I don't -- I don't recall.
 8 Q Did Mr. Fitzgerald direct you to create any
 9 specific options or specific maps?
 10 A No.
 11 Q Did he direct Mr. Ottman or Mr. Foltz to your
 12 knowledge to create any specific options or
 13 specific maps?
 14 A No.
 15 Q You mentioned also that Mr. Scott Fitzgerald also
 16 was present with you at times at Michael Best &
 17 Friedrich, correct?
 18 A Yes.
 19 Q All right. What did you observe
 20 Mr. Scott Fitzgerald doing when you were together
 21 at Michael Best & Friedrich?
 22 A Same as Speaker Fitzgerald.
 23 Q Were both Jeff and Scott Fitzgerald together at
 24 Michael Best & Friedrich with you at the same
 25 time?

1 A Yes.
 2 Q What was he doing?
 3 A He was reviewing regional options for a map.
 4 Q And when you say *regional options for a map*, what
 5 do you mean by that?
 6 A The legislative assistants, Tad and Adam, would
 7 present to their employer various options for each
 8 region of the state.
 9 Q And when you say *for each region of the state*, how
 10 are you defining what was a region?
 11 A I don't recall exactly how the regions were broken
 12 down.
 13 Q Were they broken down on district lines, existing
 14 district lines, or was there some other criteria?
 15 A My recollection is that they were broken down more
 16 geographical.
 17 Q Okay. Were you present when these options were
 18 presented to Jeff Fitzgerald?
 19 A Yes.
 20 Q Were these presented to Mr. Fitzgerald on a
 21 computer screen or on a printed copy?
 22 A They were presented on a printed copy.
 23 Q Did you work at all on assisting -- you said Tad
 24 and Adam before. I assume that you mean
 25 Mr. Ottman and Mr. Foltz, correct?

1 A To the best of my recollection, yes.
 2 Q When Mr. Foltz and Mr. Ottman presented these
 3 options to Jeff Fitzgerald, did they present them
 4 to Scott Fitzgerald at the same time?
 5 A Yes.
 6 Q So both Scott and Jeff Fitzgerald were present
 7 when Mr. Foltz and Mr. Ottman were presenting
 8 these options to them; is that correct?
 9 A Yes.
 10 Q Do you know how -- do you recall how many times
 11 this occurred, that Mr. Ottman and Mr. Foltz
 12 presented options to both Jeff and
 13 Scott Fitzgerald?
 14 A No.
 15 Q Do you recall the dates on which or roughly the
 16 time frames in which this occurred?
 17 A My recollection is that that would have been in
 18 June of 2011.
 19 Q You mentioned before that you do not have a CV or
 20 a resume, correct?
 21 A That is correct.
 22 Q Okay. You do have a file on your firm's website,
 23 correct?
 24 A I believe so.
 25 MR. POLAND: All right. I'm going

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1 to ask if you'd mark this as Exhibit 7.
 2 (Exhibit No. 7 marked for
 3 identification)
 4 Q Mr. Handrick, I'm handing you what the court
 5 reporter has marked as deposition Exhibit No. 7.
 6 Do you have that in front of you?
 7 A Yes.
 8 Q And can you identify Exhibit No. 7.
 9 A This is a bio that I believe appears on the
 10 Reinhart web page.
 11 Q All right. Have you seen this bio before?
 12 A Yes.
 13 Q All right. Is the information that's reflected in
 14 this bio correct and accurate as of today's date
 15 to the best of your knowledge?
 16 A Yes.
 17 Q Your bio states, Mr. Handrick, that you have a BS
 18 from the University of Wisconsin-Madison,
 19 occupational therapy; is that correct?
 20 A Yes.
 21 Q And you earned that in 1996?
 22 A Yes.
 23 Q You do not have a law degree; is that correct?
 24 A That is correct.
 25 Q Have you ever attended law school?

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1 A No.
 2 Q Other than your undergraduate studies, have you
 3 had any formal education beyond high school?
 4 A No.
 5 Q Your bio identifies you as a government relations
 6 specialist; is that correct?
 7 A Yes.
 8 Q And that's a position that you've held since
 9 December 2010?
 10 A Yes.
 11 Q Do you have any, any clients other than the
 12 clients as they've been defined in the engagement
 13 letters that we looked at before for the
 14 legislative redistricting matter?
 15 A I am -- yes, I do.
 16 Q Okay. You are a lobbyist licensed with the state
 17 of Wisconsin, correct?
 18 A Yes.
 19 (Exhibit No. 8 marked for
 20 identification)
 21 Q Mr. Handrick, I've handed you a copy of a document
 22 that's been marked as Exhibit No. 8. And do you
 23 have that in front of you?
 24 A Yes.
 25 Q And does that represent the organizations on which

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1 you've been licensed to lobby for the current
 2 legislative session?
 3 A Yes.
 4 Q This printout, you'll look at the bottom and see
 5 it's dated as of November 30, 2011; do you see
 6 that?
 7 A Yes.
 8 Q Are there any other, any other organizations that
 9 you've been licensed to represent in the current
 10 legislative session?
 11 A No.
 12 Q And your license was issued on January 25, 2011,
 13 correct?
 14 A Yes.
 15 Q Did you obtain that license -- or strike that
 16 question.
 17 Did you apply for that license to represent
 18 any particular organization in the current
 19 legislative session?
 20 A No.
 21 Q Now, before you joined the Reinhart law firm, you
 22 were the town chair for Minocqua, correct?
 23 A Yes.
 24 Q And that's a position that you began in 2005?
 25 A That is not correct.

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1 Q Okay. When did you begin as the town chair?
 2 A January 3, 2006.
 3 Q While you were serving as the Minocqua town chair
 4 from January 3, 2006 through the time that you
 5 started at Reinhart in 2010, did you have any
 6 other jobs or professional positions?
 7 A Yes.
 8 Q What else did you do?
 9 A I stocked produce at Wal-Mart.
 10 Q And that was up in Minocqua?
 11 A Yes.
 12 Q Were you also the legislative director for the
 13 Wisconsin Occupational Therapy Association?
 14 A Yes.
 15 Q And how long did you hold that position?
 16 A I held that position through March 9 of 2011.
 17 Q And you're no longer serving as the legislative
 18 director for the Wisconsin Occupational Therapy
 19 Association?
 20 A I would have to look at what exactly my title is
 21 on the -- on my new contract.
 22 Q Okay. So you have a separate contract with that
 23 entity?
 24 A Yes.
 25 Q Is that contract ongoing? Is it current?

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1 A Yes.
2 Q And you were a -- you were licensed as a lobbyist
3 on behalf of the Wisconsin Occupational Therapy
4 Association in the 2009-2010 legislative session?
5 A I do not believe I was a licensed lobbyist in 2009
6 or 2010.
7 Q Okay. In the 2005 to 2010 time frame, were you
8 licensed as a lobbyist on behalf of any other
9 organizations?
10 A I believe so.
11 Q Do you recall what they were?
12 A I believe the Wisconsin Bear Hunters Association.
13 Q Okay. Any others that you can recall?
14 A That's all I can recall.
15 Q All right. Were there any other jobs that you
16 held other than the job at Wal-Mart that you
17 mentioned and the positions that we've just talked
18 about here, any other jobs you held during the
19 2005 to 2010 time frame?
20 A Not that I can recall.
21 Q All right. Now, you were a lobbyist for the
22 Wisconsin Society of Anesthesiologists at one
23 point, correct?
24 A Yes.
25 Q And that was in the 2003-2004 legislative session?

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1 A In that time frame, yes.
2 Q Okay. Were there any other jobs that you held in
3 the 2003 to 2004 time frame?
4 A None that I recall.
5 Q Any other organizations on whose behalf you
6 lobbied in the 2003-2004 legislative session?
7 A Yes.
8 Q And which were those?
9 A I can recall Smoke Free Wisconsin. I can recall
10 the United States Sportsmen's Alliance. I can
11 recall the Wisconsin Occupational Therapy
12 Association.
13 Q Any others that you can recall?
14 A That's all I can recall.
15 Q I'd like to take you back to the 2000 and 2002
16 time frame. Now, you were a legislature in the
17 state assembly from 1994 to 2000, correct?
18 A That's not correct.
19 Q That's not. Okay. What was the time frame when
20 you were in the state assembly?
21 A I was a state legislature from January of 1995 to
22 approximately January 2 of 2001.
23 Q Okay. And we'll get back to that in just a
24 minute. What did you do for a living between the
25 time that you left the assembly on January 2, 2001

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1 and the time that you started working for the
2 anesthesiologists in 2003?
3 A I was self-employed.
4 Q Was that up in Minocqua?
5 A No.
6 Q Where were you self-employed?
7 A In Madison.
8 Q Okay. And what were you doing?
9 A I was retained by Michael Best & Friedrich to
10 assist them in the redistricting that followed the
11 2000 census.
12 Q Was that under a contract as well?
13 A I believe so.
14 Q Okay. Do you recall when you were retained for
15 that work?
16 A No, I don't.
17 Q All right. And you were doing consulting work for
18 Michael Best at that time with the 2001
19 redistricting litigation?
20 A Yes.
21 Q Do you remember who Michael Best & Friedrich was
22 representing in that litigation?
23 A Yes.
24 Q Who were they representing?
25 A They were representing the plaintiffs.

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1 Q And do you know who specifically the plaintiffs
2 were in that redistricting litigation?
3 A My recollection is that the plaintiffs were
4 Jensen/Panzer.
5 Q Was it just the -- do you remember if it was just
6 the assembly that were the plaintiffs in there,
7 members of the assembly?
8 A I don't recall.
9 Q And you were retained to develop legislative maps
10 for Michael Best & Friedrich; is that correct?
11 A Yes.
12 Q At that time the republican party controlled the
13 assembly, correct?
14 A Yes.
15 Q And your retention was specifically to develop
16 legislative maps that would be favorable to the
17 republicans, correct?
18 A No.
19 Q That's not correct?
20 A No.
21 Q You were well compensated for your work, correct?
22 MR. MCLEOD: Object to the form of
23 the question, vague and ambiguous. To the
24 extent you understand the question, please
25 answer.

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1 A Could you please restate the question?
 2 Q Sure.
 3 (Question read)
 4 A Yes.
 5 Q Who paid you for the work that you performed in
 6 2001?
 7 A Michael Best & Friedrich.
 8 Q Did you work with anyone on creating the
 9 redistricting maps in 2001?
 10 A Did I work -- would you please --
 11 Q With anyone -- did you work with anyone in
 12 creating the legislative redistricting maps in
 13 2001?
 14 A Yes.
 15 Q Who did you work with?
 16 A Legal counsel.
 17 Q Michael Best & Friedrich?
 18 A Yes.
 19 Q All right. Who were those lawyers?
 20 A My recollection is Jim Troupis, Eric McLeod.
 21 Q Anyone else?
 22 A Other legal counsel.
 23 Q Okay. Do you recall any specific people?
 24 A Yes.
 25 Q Who were the other people that you worked with?

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1 A Greg Hubbard.
 2 Q Was Mr. Hubbard a lawyer with Michael Best at the
 3 time?
 4 A No.
 5 Q Do you know what law firm Mr. Hubbard was with?
 6 A No.
 7 Q Okay. Were you working with the autoBound
 8 software in 2001?
 9 A That's my recollection.
 10 Q Did you have your own office in Madison at the
 11 time?
 12 A Yes.
 13 Q All right. Were you doing your legislative
 14 redistricting work in 2001 in your own office?
 15 A No.
 16 Q Were you doing that work at Michael Best &
 17 Friedrich?
 18 A Yes.
 19 Q In their Madison office?
 20 A Yes.
 21 Q Now, you were elected to the state assembly you
 22 said -- I want to make sure I get the date right.
 23 You were elected in 1994, correct?
 24 A Yes.
 25 Q And you started working in the state assembly

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1 on -- you gave me the date before. I'm looking
 2 for it. Well, January 1995. And you were elected
 3 as a republican representing Assembly District 34,
 4 correct?
 5 A Yes.
 6 Q You were re-elected in 1996 and 1998, correct?
 7 A Yes.
 8 Q All right. And again both times, that was as a
 9 republican representing District 34?
 10 A Yes.
 11 Q When you were at UW-Madison -- strike that
 12 question.
 13 You were a student at University of
 14 Wisconsin-Madison in 1990, correct?
 15 A I don't -- I don't recall.
 16 Q Okay. Do you recall working part-time for
 17 Randy Radtke, a republican in the assembly?
 18 A Yes.
 19 Q All right. And was that on or around 1990?
 20 A 1990, 1991.
 21 Q Okay. Do you recall that Mr. Radtke was the
 22 republican chair for the legislative redistricting
 23 following the 1990 decennial census?
 24 A Yes.
 25 Q And you became involved in that redistricting

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1 effort on behalf of the republicans as well,
 2 correct?
 3 A Yes.
 4 Q And the redistricting efforts in the early 1990s
 5 ended up in litigation, correct?
 6 A Yes.
 7 Q And in that, you participated in that in drawing
 8 the maps for that redistricting effort in 1992,
 9 correct?
 10 A Yes.
 11 Q You were working for Mr. Radtke at the time that
 12 you did that?
 13 A Yes.
 14 Q Were you retained by any law firm in 1992 to work
 15 on redistricting?
 16 A No.
 17 Q It was working as an employee of Mr. Radtke?
 18 A Yes.
 19 Q And you mentioned Mr. Gaddie before, correct?
 20 A Yes.
 21 Q Who is Mr. Gaddie?
 22 A Mr. Gaddie is a professor from the University of
 23 Oklahoma.
 24 Q What -- does Mr. Gaddie have a specialty?
 25 A I believe he's a political scientist.

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1 Q All right. How long have you known Mr. Gaddie?
 2 A Approximately ten years.
 3 Q I should probably call him Professor Gaddie,
 4 right? He's a professor there?
 5 A I believe so.
 6 Q Have you ever been down to his office at the
 7 University of Oklahoma to meet with him?
 8 A No.
 9 Q Have you ever met with him in Wisconsin?
 10 A Yes.
 11 Q How many times have you met with Professor Gaddie
 12 in Wisconsin?
 13 A Going back to 2001. I don't know the exact
 14 number.
 15 Q Okay. Did you meet him during the 2001
 16 redistricting?
 17 A Yes.
 18 Q Did you meet Professor Gaddie at Michael Best &
 19 Friedrich?
 20 A I don't recall.
 21 Q Did you work with Mr. Gaddie on the 2001
 22 redistricting?
 23 A Yes.
 24 Q And Mr. Gaddie testified in the trial in the 2001
 25 redistricting, correct?

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1 that's been marked as Exhibit 9 before?
 2 A Yes.
 3 Q All right. Can you identify it for the record,
 4 please.
 5 A It's excerpts from a book entitled *Born to Run*.
 6 Q And it's authored by Ronald Keith Gaddie, correct?
 7 A Yes.
 8 Q And that is the Professor Gaddie that we were just
 9 talking about?
 10 A Yes.
 11 Q This is the man that you met during the
 12 redistricting effort in 2001 time frame?
 13 A Yes.
 14 Q If you'd flip to the inside page, so that's the
 15 second page of the exhibit, you'll see it's got a
 16 publication date of 2004. Do you see that?
 17 A Yes.
 18 Q Did you -- did you conduct any interviews with
 19 Mr. Gaddie for the purpose of this book?
 20 A Yes.
 21 Q And he interviewed you, correct?
 22 A Yes.
 23 Q So the chapter that we have included here in
 24 Exhibit No. 9 is Chapter 4. Do you see that?
 25 A Yes.

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1 A Yes.
 2 Q You did not testify in that litigation, correct?
 3 A I did not.
 4 Q All right. Either in deposition or at the trial,
 5 correct?
 6 A That is correct.
 7 Q Did you assist Mr. Gaddie in preparing for his
 8 testimony in that redistricting litigation, in the
 9 2001, 2002 time frame?
 10 A Yes.
 11 Q Now, in addition to working with Mr. Gaddie on
 12 that, you also worked with Mr. Gaddie on a book,
 13 correct?
 14 A Yes.
 15 Q Or a portion of a book, right?
 16 A Yes.
 17 Q All right. Let's mark that.
 18 (Exhibit No. 9 marked for
 19 identification)
 20 Q I hand you Exhibit No. 9. Mr. Handrick, the court
 21 reporter has handed you a document here that's
 22 been marked as Exhibit No. 9. I will represent
 23 for the record that this is an excerpt from a
 24 book. It's obviously not the entire book. Have
 25 you seen the book that the excerpts are from

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1 Q And that's on page 3. And that's *The Life and*
 2 *Times of Joe from Minocqua*?
 3 A Yes.
 4 Q And that would be you, correct?
 5 A That would be me.
 6 Q Okay. 15 minutes of fame, right?
 7 If we flip to the -- and I'm going to refer
 8 to the pages in the book. I think that's an
 9 easier thing to do. They're along the top of the
 10 exhibit so you can see that. If we turn to
 11 page -- the top of page 47, do you see that it
 12 says *Meet Joe Handrick*?
 13 A Yes.
 14 Q All right. And that's you, correct?
 15 A Yes.
 16 Q All right. Did you have an opportunity to review
 17 the galleys? Do you know what galleys are,
 18 publication galleys --
 19 A No.
 20 Q -- before the book was published? Okay.
 21 Did you get a chance to look at a draft of
 22 this particular chapter, Chapter 4, before
 23 Mr. Gaddie published the book?
 24 A Not that I recall.
 25 Q Okay. He didn't give you any kind of a

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1 pre-publication version and ask if these things
 2 were correct?
 3 A Not that I recall.
 4 Q Okay. Well, let's turn to -- look at a couple of
 5 pages here. Do you recall generally that
 6 Mr. Gaddie in his book addressed the legislative
 7 redistricting work that you did in the 1990, 1991,
 8 '92 time frame?
 9 A I recall that, yes.
 10 Q Okay. Did you give interviews with him where you
 11 discussed that?
 12 A My recollection is yes.
 13 Q And also same question with respect to the 2001,
 14 2002 legislative redistricting. Is that a topic
 15 that you and Mr. Gaddie discussed?
 16 A Yes.
 17 MR. POLAND: Oops. Can you still
 18 hear me okay? The microphone just slipped
 19 there.
 20 So I'd like you to -- I'm sorry? You
 21 know what, why don't we take a five-minute
 22 break. We'll fix the microphone issues.
 23 (Recess)
 24 Q Mr. Handrick, just before we broke we were taking
 25 a look at Exhibit No. 9, which is

1 quote is as follows: "When they sat me down at
 2 the terminal, I just had a knack for being able to
 3 see how to craft the kind of districts they
 4 wanted, with the right political skew and in a
 5 fashion that would be attractive to a court."
 6 Do you see that quotation?
 7 A Yes.
 8 Q And is that a correct quotation?
 9 A I wouldn't be able to recall that far back, but I
 10 presume it is.
 11 Q Okay. Turning to the top of page 55, do you see
 12 Professor Gaddie's statement that says "Joe would
 13 ultimately craft the legislative map" proposed --
 14 strike that. Let me reread that because I was
 15 reading it wrong:
 16 "Joe would ultimately craft the legislative
 17 map proposal Republicans forwarded to the federal
 18 courts."
 19 Do you see that statement?
 20 A Yes.
 21 Q And again that relates to the 1991-1992
 22 redistricting, correct?
 23 A Yes.
 24 Q And Professor Gaddie's statement there is a
 25 correct statement?

1 Professor Gaddie's book. Do you recall that
 2 discussion?
 3 A Yes.
 4 Q All right. I'd like to turn your attention to
 5 page 54. So this is in the heading at the top.
 6 And I'd like you to look at the last full
 7 paragraph on page 54 that's on the left-hand side
 8 of the page. I'd like to draw your attention
 9 about halfway down that page. There's a sentence
 10 there, and I'm just going to read it here.
 11 It says -- a couple of sentences actually.
 12 It says "Handrick was not initially a principal in
 13 the crafting of maps, but, when exposed to the
 14 technology and asked to participate, his spatial
 15 analytic abilities became evident to Republican
 16 mapmakers."
 17 Do you see that --
 18 A Yes.
 19 Q -- language? All right.
 20 And that's referring to the early 1990s,
 21 correct?
 22 A Yes.
 23 Q All right. And Mr. -- or Professor Gaddie
 24 continues on, and this appears to be a quote that
 25 Professor Gaddie is attributing to you. And the

1 A Yes.
 2 Q All right. Now -- so you've been involved,
 3 according to Professor Gaddie's book, you've been
 4 involved with drawing legislative districts for
 5 republicans in Wisconsin since the early 1990s,
 6 correct?
 7 A Yes.
 8 Q Almost 20 years. All right. I'd like to draw
 9 your attention to page 68 -- actually, back up a
 10 second. Take you to page 67. All right.
 11 Actually, back up one more. 66, other side of the
 12 page.
 13 A Okay.
 14 Q All right. There is a reference -- about halfway
 15 down there's a heading that says
 16 *Postlegislative Career*. Do you see that?
 17 A Yes.
 18 Q And the second full paragraph begins with a
 19 statement "Handrick was a master of electoral
 20 analysis. He knew where to find information and
 21 how to glean useable knowledge from numbers that
 22 is implicit and based on understanding the
 23 totality of issues and messages associated with
 24 particular candidates and their circumstances."
 25 Do you see that language?

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1 A Yes.
 2 Q And is that a correct statement?
 3 A I wouldn't argue with it.
 4 Q Okay. A little further down on that same page
 5 toward the end of the paragraph there's a final
 6 sentence, and they're talking here about the 2001
 7 redistricting. And the sentence reads as follows:
 8 "Again a federal court would craft the maps, and,
 9 again, Handrick demonstrated remarkable skill in
 10 crafting a set of map proposals that, while not
 11 adopted by the court, again reflected the
 12 priorities of the court and anticipated the design
 13 of the map created by a three-judge panel."
 14 Would you argue with that statement?
 15 A No.
 16 Q And then drawing your attention to the top of
 17 page 67. The first paragraph reads "Handrick,
 18 together with former Republican caucus staff from
 19 the assembly, was contracted as an independent
 20 consultant, working through the law firm
 21 representing the assembly in redistricting, to
 22 develop legislative maps that would stand up to a
 23 high degree of scrutiny by the courts and that
 24 would also be favorable to Republicans."
 25 Do you see that paragraph?

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1 Q In 2004 when the book was written?
 2 A Right, correct.
 3 Q Would you have had aspirations back in 2004 of
 4 participating in the redistricting effort after
 5 the 2010 decennial census?
 6 A Likely not.
 7 Q When did that -- when did those aspirations arise?
 8 A In -- beginning likely in May of 2009.
 9 Q Okay. Was there anything in particular that
 10 triggered your interest in becoming involved in
 11 the 2010, the reapportionment following the 2010
 12 census?
 13 A Yes. In 2009 I became engaged.
 14 Q Okay. And how did that affect your desire to get
 15 involved in the redistricting?
 16 A My fiancée lived in the Milwaukee area.
 17 Q Okay. How did your fiancée living in the
 18 Milwaukee area make you want to get involved in
 19 the redistricting following the 2010 decennial
 20 census?
 21 A It didn't directly, but getting married to someone
 22 in the Milwaukee area meant I could no longer
 23 continue to be the town chairman of Minocqua.
 24 Q Okay. Was that the time then that you -- in 2009
 25 did you move down to Port Washington?

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1 A Yes.
 2 Q Do you agree with that paragraph?
 3 A I don't disagree.
 4 Q Okay. And then I'd like to turn your attention to
 5 page 68. And you'll see a heading about
 6 two-thirds of the way down page 68. It says
 7 *Running the Conduit*. Do you see that?
 8 A Yes.
 9 Q All right. And so the second sentence -- I'm
 10 sorry, the third sentence in that paragraph is the
 11 one I want to focus on. And that states
 12 "Joe Handrick was a talented artisan of electoral
 13 maps, and he planned to develop future consulting
 14 opportunities for the next reapportionment and
 15 redistricting after 2010."
 16 Do you see that statement?
 17 A Yes.
 18 Q And would you argue with that statement?
 19 A Yes, I would.
 20 Q Okay. What would you contest in that statement?
 21 A The use of the word -- phrase "planned to develop
 22 future consulting opportunities for the next
 23 reapportionment and redistricting after 2010."
 24 Q What would you contest about that statement?
 25 A I -- back -- I had -- I would have had no plans.

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1 A No.
 2 Q Okay. That came later?
 3 A Yes.
 4 Q When did you move to Port Washington?
 5 A December 2010.
 6 Q Okay.
 7 A Actually, strike that. January 2010 -- of 2011.
 8 Q January of 2011?
 9 A Yes.
 10 Q After you were done with your position as the town
 11 chairman in Minocqua, that's when you moved to
 12 Port Washington?
 13 A Correct.
 14 Q Was it the fact that you were going to be getting
 15 married and had to do something other than being
 16 the town chair; that's why you decided to get into
 17 the redistricting after the 2010 decennial census?
 18 A No.
 19 Q What was it then that made you want to do that?
 20 A That's why I decided -- or that's why I needed to
 21 get employment in the Milwaukee area.
 22 Q Okay. But as opposed to doing something different
 23 in Milwaukee, why is it that you chose to get into
 24 legislative redistricting after the 2010 census?
 25 A Because I was retained by the Reinhart law firm to

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1 join their government relations practice, and this
 2 is part of that practice.
 3 Q Okay. Before you joined Reinhart did you have any
 4 plans to participate in legislative redistricting
 5 following the 2010 census?
 6 A No.
 7 Q Were you approached by anyone before the time that
 8 you joined Reinhart to work on the legislative
 9 redistricting?
 10 A No.
 11 Q Now, you mentioned you met Professor Gaddie during
 12 the 2001 redistricting effort; is that correct?
 13 A Yes.
 14 Q Was that before the litigation commenced that you
 15 met him?
 16 A I don't -- I don't recall the exact date.
 17 Q Do you understand that Professor Gaddie will
 18 testify as an expert witness in this particular
 19 case?
 20 A That's my understanding.
 21 Q Have you -- have you been involved at all in the
 22 engagement of Professor Gaddie to serve as an
 23 expert witness in this case?
 24 A No.
 25 Q All right. Were you involved at all with

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1 Professor Gaddie's engagement to participate in
 2 the redistricting process before the lawsuit was
 3 filed?
 4 A No.
 5 Q Have you spoken with Professor Gaddie about his
 6 work in the litigation?
 7 MR. KELLY: Objection. Time frame?
 8 Q Any time frame.
 9 MR. KELLY: All right. Go ahead.
 10 A Please repeat the question.
 11 MR. POLAND: Can you read it back?
 12 (Question read)
 13 A Yes.
 14 Q What did you talk about with Professor Gaddie?
 15 A Specifically, I don't recall.
 16 Q All right. Generally speaking?
 17 A Generally speaking, Professor Gaddie would inform
 18 us of his needs for data.
 19 Q And when you say us, you mean you and other people
 20 as well?
 21 A I mean my legal counsel.
 22 Q Okay. Was he asking -- was he asking -- when you
 23 say your legal counsel, I want to make sure I
 24 understand Mr. McLeod's law firm versus the
 25 Reinhart law firm. Was Professor Gaddie asking

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1 the Reinhart law firm for data, or was he asking
 2 Mr. McLeod?
 3 A The Reinhart law firm.
 4 Q And then they would -- they would turn to you and
 5 ask you to provide that data for Professor Gaddie?
 6 A No.
 7 Q Okay. How were you involved in providing data to
 8 Professor Gaddie?
 9 MR. KELLY: Objection. The
 10 question calls for material covered by the
 11 work product doctrine, which is privileged
 12 from disclosing that, so I instruct the
 13 witness not to answer.
 14 Q Are you going to follow counsel's instruction not
 15 to answer the question?
 16 A Yes.
 17 Q Was anybody else involved in the process of
 18 collecting data for Professor Gaddie?
 19 A Yes.
 20 Q Who else was involved in that process?
 21 A My understanding is the Legislative Reference
 22 Bureau.
 23 Q Anyone else that you know of?
 24 A Not to my recollection.
 25 Q Okay. Did you ever personally provide any data to

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1 Professor Gaddie?
 2 MR. KELLY: Objection, calls for
 3 information protected by the work product
 4 doctrine.
 5 MR. POLAND: I'm not asking what
 6 was conveyed. I'm just asking whether he did
 7 personally.
 8 MR. KELLY: That's still covered by
 9 the work product doctrine.
 10 MR. POLAND: What he did?
 11 MR. KELLY: Yes.
 12 MR. POLAND: I'm just asking if he
 13 did. I'm not asking what was conveyed, just
 14 asking if he conveyed anything.
 15 MR. KELLY: To the extent you can
 16 answer the question with a simple yes or no,
 17 you may answer but nothing beyond that as it
 18 would invade the work product doctrine.
 19 A Can you please restate the question?
 20 MR. POLAND: Can you read it back
 21 to him?
 22 (Question read)
 23 A Yes.
 24 Q Okay. When did you provide data to
 25 Professor Gaddie? And I'm limiting it now to the

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1 2011 redistricting as opposed to 2002.
 2 A After November 22.
 3 Q Okay. Did you provide -- you didn't provide any
 4 data to Professor Gaddie before November 22?
 5 A No.
 6 Q Did you provide him with any data outside of the
 7 context of litigation, in other words, before the
 8 complaint was filed in this case in June?
 9 A No.
 10 Q Did Professor Gaddie ever provide you with any
 11 data before the complaint was filed in June?
 12 A Not that I recall.
 13 Q You understand that Professor Gaddie has submitted
 14 a report in this litigation?
 15 A Yes.
 16 Q Have you seen the final report?
 17 A I have.
 18 Q All right. Did you see a draft of the report?
 19 MR. KELLY: Objection. That calls
 20 for information protected by the work product
 21 doctrine.
 22 MR. POLAND: I'm just asking if he
 23 saw it. I'm not asking what was conveyed,
 24 just asking if he saw it.
 25 MR. KELLY: I understand, but

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1 that's still getting into our thoughts,
 2 mental impressions, and plans.
 3 Q Okay. You haven't been instructed not to answer,
 4 so I'm going to --
 5 MR. KELLY: I will -- to the extent
 6 you can answer that question with a simple
 7 yes or no, you may, but go no further because
 8 it would invade information protected by the
 9 work product doctrine.
 10 A Please repeat the question.
 11 (Question read)
 12 A Yes.
 13 Q When did you see a draft of Professor Gaddie's
 14 report?
 15 A I can't recall that date.
 16 Q Did you provide any comments on Professor Gaddie's
 17 draft report?
 18 MR. KELLY: I object. It does call
 19 for information protected by the work product
 20 doctrine. To the extent that we have
 21 Mr. Handrick performing any functions with
 22 respect to the conducts of this litigation,
 23 that is covered by the doctrine. And I
 24 instruct you not to answer.
 25 Q Are you going to follow counsel's instruction not

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1 to answer the question?
 2 A Yes.
 3 Q Did you give any input at all into
 4 Professor Gaddie's report?
 5 MR. KELLY: Same objection. Do not
 6 answer.
 7 Q And you're going to follow counsel's instruction?
 8 A Yes.
 9 Q Did you work with Professor Gaddie at all between
 10 the 2002 and the 2011 redistricting litigation?
 11 A Outside of these interviews? No.
 12 Q Okay. So -- and let me back up just a second. We
 13 established before that you did work with
 14 Professor Gaddie in the 2002 redistricting
 15 litigation, correct? All right. So after that
 16 was done and before the time that you were engaged
 17 for the purpose of the 2011 redistricting, did you
 18 work with Professor Gaddie outside the context of
 19 this book?
 20 A Not that I can recall.
 21 Q When you were retained for your work in
 22 redistricting back in February of this year, were
 23 you told you were being retained by or on behalf
 24 of any particular person or entity or group?
 25 MR. MCLEOD: Could I have -- I'm

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1 sorry. Could I have the question reread
 2 back?
 3 (Question read)
 4 MR. MCLEOD: Just one second. I'm
 5 going to object to the question as vague and
 6 ambiguous. It's a form objection. But to
 7 the extent you understand the question,
 8 please answer.
 9 A I was retained -- Reinhart law firm was retained
 10 by Michael Best & Friedrich to provide them
 11 assistance as they provide counsel to the state
 12 legislature.
 13 Q And was it your understanding that the client was
 14 as is stated in the engagement letters that we
 15 looked at earlier? We can pull them out if we
 16 need to. Take a look at Exhibit 4, for example.
 17 You should have a copy there in front of you.
 18 In the first paragraph you'll see there's a
 19 definition of Client. It's defined as
 20 "Wisconsin State Senate, by its Majority Leader
 21 Scott L. Fitzgerald and the Wisconsin State
 22 Assembly, by its Speaker Jeff Fitzgerald." Do you
 23 see that?
 24 A Yes.
 25 Q Is that your understanding of who the client was?

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1 A Yes.
 2 Q Were you told what you were being retained to do?
 3 A Yes.
 4 Q Okay. What were you told you were being retained
 5 to do?
 6 A To provide assistance to legal counsel as they
 7 provided advice on the preparation of
 8 redistricting maps following the 2010 census.
 9 Q Was there anything more specific that you were
 10 told they were going to want you to do?
 11 A Yes.
 12 Q And what were you told that was more specific they
 13 wanted you to do?
 14 A In legal counsel's role of providing advice and
 15 counsel to the legislature on adoption of a -- or
 16 development of a redistricting map following the
 17 2010 census, they would give, give constitutional
 18 and other legal advice regarding redistricting.
 19 And they tasked me with helping translate that
 20 legal advice into tangible work products or assist
 21 them in the creation of tangible work products for
 22 their clients.
 23 Q And so physically they wanted to use the mapping
 24 skills that you had used in 2002 and 1991
 25 redistricting, correct?

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1 A I think that's a fair assessment.
 2 Q And also data analysis skills?
 3 A No.
 4 Q Now, did you do any data analysis for the purpose
 5 of redistricting in 2011?
 6 A Not that I recall.
 7 Q Now, the engagement -- and we looked again at the
 8 letters. And we can look at -- let's take a look
 9 at Exhibit No. -- Exhibit No. 6 is probably the
 10 best one to look at. It's in front of you.
 11 If you look at the -- there's a fee schedule
 12 that's referred to in there. Do you see that?
 13 A Yes.
 14 Q And there are fees that Reinhart is charging of
 15 \$5,000 per month, correct?
 16 A Correct.
 17 Q That began on February 15, 2011, correct?
 18 A Yes.
 19 Q And ends on May 15, 2012; is that right?
 20 A Yes.
 21 Q All right. Is that a flat rate; do you know?
 22 A As far as I know, yes.
 23 Q Reinhart is paid the \$5,000 per month regardless
 24 of whether there's any work done in that
 25 particular month or not?

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1 A That's my understanding.
 2 Q Did you prepare any of the invoices that Reinhart
 3 sends to Michael Best & Friedrich?
 4 A No.
 5 Q As a matter of fact, you mentioned, when we looked
 6 at it before, you looked at the invoices as part
 7 of Exhibit 1, and you said those were documents
 8 you hadn't seen before; is that correct?
 9 A That is correct.
 10 MS. LAZAR: Clarification. That
 11 was Exhibit 2.
 12 MR. POLAND: It's Exhibit 2.
 13 Thank you for the correction, Maria.
 14 Exhibit 2.
 15 Q Do you enter your time at all when you're doing
 16 work on the redistricting matter?
 17 A Yes.
 18 MR. KELLY: Objection as to time
 19 frame.
 20 Q Beginning with your engagement in February of
 21 2011.
 22 MR. KELLY: And would that be
 23 ending prior to November 22?
 24 Q Sure. Let's take it up through November -- before
 25 November 22. Do you enter time into a system that

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1 Reinhart has?
 2 A Yes.
 3 Q Okay. And are those time entries reflected in the
 4 invoices that are transmitted to Michael Best &
 5 Friedrich?
 6 A I do not know.
 7 Q If we take a look at -- this is the portion of
 8 Exhibit No. 2 that has the invoices. Here, we can
 9 have you -- let me hand that to you. So this is
 10 the portion of Exhibit No. 2 that has the
 11 invoices. And, again, these are invoices. You
 12 have not seen these before, correct?
 13 A That is correct.
 14 Q These do not reflect any of your time entries,
 15 correct?
 16 A That is correct.
 17 Q And all of these invoices predate November 22,
 18 2011, correct?
 19 A That is correct.
 20 Q Do you know which entity writes the check, cuts
 21 the check to Reinhart?
 22 A I do not.
 23 Q And you're not paid for your redistricting work
 24 outside of the bills that Reinhart sends, correct?
 25 A That is correct.

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1 Q Mr. Handrick, who have you discussed with -- this
2 deposition with before you came today?
3 A My counsel to my right.
4 Q Okay. Mr. McLeod?
5 A Yes.
6 Q All right. Have you discussed the deposition with
7 anyone else?
8 A Yes.
9 Q Who else have you discussed it with?
10 A My employers.
11 Q The Reinhart law firm?
12 A Yes.
13 Q Anyone in particular at Reinhart?
14 A Yes, Patrick Hodan.
15 Q What did you discuss with Mr. McLeod?
16 MR. MCLEOD: I'm going to object on
17 the grounds that it is subject to the
18 attorney-client privilege, and I'll instruct
19 the witness not to answer.
20 Q Are you going to follow counsel's instruction not
21 to answer?
22 A Yes.
23 Q What did you discuss with Mr. Hodan?
24 MR. KELLY: I object on the basis
25 it invades the attorney-client privilege, and

1 I instruct the witness not to answer.
2 Q And you're going to follow counsel's advice?
3 A Yes.
4 Q Did you review any documents to prepare for your
5 deposition today?
6 A Yes.
7 Q What documents did you review?
8 A The documents that I brought with me.
9 Q Okay. And so those would be the documents that
10 are contained in Exhibits 2 and 3?
11 A Yes.
12 Q Did you review any other documents in preparation
13 for your deposition today?
14 A No.
15 Q Were you ever told that you would not have to be
16 deposed in this lawsuit?
17 A No.
18 Q Now, do you understand that you've been identified
19 by the defendants in this lawsuit as a potential
20 trial witness?
21 MR. KELLY: Objection, form. You
22 can answer.
23 A I had heard that.
24 Q Okay. Who told you that you would be named as a
25 potential witness?

1 A I don't recall from whom that I heard.
2 (Exhibit No. 10 marked for
3 identification)
4 Q Mr. Handrick, I've handed you a document that the
5 court reporter has marked as Exhibit No. 10. Do
6 you have that in front of you?
7 A Yes.
8 Q All right. I'd like you to turn to the
9 second page, and you'll see that the document is
10 *Defendants' Amended Initial Rule 26(a)*
11 *Disclosures*. Do you see that?
12 A Yes.
13 Q Have you seen Exhibit 10 before?
14 A No.
15 Q I'd like to turn your attention to page No. 5 of
16 Exhibit 10 and specifically to paragraph 10.
17 Okay. And I'll just represent to you this is --
18 this is an identification of people who have
19 knowledge that the defendants might use to support
20 their claims or defenses, okay?
21 So paragraph 10 states "Individuals from the
22 Legislature, and/or its various bodies, are those
23 individuals on the Legislature's behalf, who were
24 involved in drawing the redistricting maps that
25 were signed into law on August 9, 2011, including

1 without limitation, those individuals who reviewed
2 the 2010 decennial census and assisted in
3 determining the appropriate, constitutional
4 boundaries for state and Congressional districts
5 as memorialized in Acts 43 and 44." Do you see
6 that?
7 A Yes.
8 Q Okay. And then if you turn the page, do you see
9 that your name is listed there?
10 A Yes.
11 Q Okay. Did anybody ever discuss with you or talk
12 to you about providing that kind of testimony at
13 trial?
14 A No.
15 MR. KELLY: Objection to the extent
16 it calls for information covered by the
17 attorney-client privilege. And I instruct
18 the witness not to answer.
19 Q Are you going to follow your counsel's instruction
20 not to answer the question?
21 A Yes.
22 Q All right. Second paragraph, page -- I'm sorry.
23 Next paragraph down, paragraph 11. Again, it
24 identifies witnesses who may be called to testify,
25 and it states "Individuals from the Legislature,

1 and/or its various bodies, or those individuals on
 2 the Legislature's behalf, who were involved in
 3 reviewing census and population data for the 2010
 4 decennial census to insure" -- that's
 5 i-n-s-u-r-e -- "minimum population deviation for
 6 the new districts." Do you see that?
 7 A Yes.
 8 Q And do you see that your name is listed there as
 9 well?
 10 A Yes.
 11 Q Did you ever discuss with anyone whether you would
 12 be called as a witness to testify to the matters
 13 identified in paragraph 11?
 14 MR. KELLY: Objection on
 15 two grounds. The first is to form,
 16 mischaracterizes the nature of the
 17 Rule 26(a)(1), initial disclosure. No. 2, it
 18 calls for information protected by the
 19 attorney-client privilege. And I instruct
 20 this witness not to answer.
 21 Q Are you going to follow counsel's instruction not
 22 to answer that question?
 23 A Yes.
 24 Q I'd like you to look at paragraph 12. And do you
 25 see that it states -- it identifies "Individuals

1 from the Legislature, and/or its various bodies,
 2 or those individuals on the Legislature's behalf,
 3 who were involved in reviewing population and
 4 other data so as to preserve, to the extent
 5 possible and practicable, the core population of
 6 prior districts as well as communities of
 7 interest." Do you see that language?
 8 A Yes.
 9 Q And if you turn the page, you'll see that you are
 10 identified there as well, correct?
 11 A Yes.
 12 Q All right. Did you ever have any conversations
 13 with anyone about providing testimony relating to
 14 the issues identified in paragraph 12?
 15 MR. KELLY: Objection on the basis,
 16 excuse me, of the attorney-client privilege.
 17 And I instruct the witness not to answer.
 18 Q And you're going to follow counsel's instruction?
 19 A Yes.
 20 Q Okay. Let's -- I'll shortcut this, and I'm going
 21 to -- what I'm going to do here is go over
 22 paragraphs 13, 14, 15, 16, and 17, okay? The
 23 introductory language on each one is pretty much
 24 the same. Do you see that?
 25 Paragraph 13 identifies individuals who --

1 well, strike that. There's no way to do this
 2 other than to go through each one. Sorry.
 3 Let's do paragraph 13. Paragraph 13
 4 identifies "Individuals from the Legislature,
 5 and/or its various bodies, or those individuals on
 6 the Legislature's behalf, who assisted the
 7 Legislature in insuring that the new redistricting
 8 maps, to the extent possible, kept wards and
 9 municipalities whole within legislative district
 10 boundaries and to the extent possible, recognized
 11 local government boundaries." Do you see that
 12 language?
 13 A Yes.
 14 Q And you're identified there as well, correct?
 15 A Yes.
 16 Q All right. Did you ever have any discussions with
 17 anyone about testifying at trial on those
 18 particular topics?
 19 MR. KELLY: Objection on the basis
 20 of the attorney-client privilege. And I
 21 instruct the witness not to answer.
 22 Q And you're going to follow counsel's instructions?
 23 A Yes.
 24 Q And with respect to paragraph -- all right. We
 25 have to change the tape. Let's go off the record.

1 (Discussion off the record)
 2 Q Mr. Handrick, just before the tape was changed we
 3 were going over categories of testimony or
 4 knowledge in Exhibit No. 10. I'd like to actually
 5 go back to paragraph 10 for a minute, if you'd
 6 turn to page 5, and ask you, did you actually as
 7 part of your work on the redistricting, did you
 8 actually review the 2010 decennial census data and
 9 assist in determining appropriate constitutional
 10 boundaries for the state and congressional
 11 districts as memorialized in Acts 43 and 44?
 12 MR. MCLEOD: I'm going to object to
 13 the form of the question on the grounds that
 14 it's vague and ambiguous. To the extent you
 15 can understand the question and can answer,
 16 please do so.
 17 A Please restate the question.
 18 Q It really is as stated right in here in the
 19 language. Did you actually do this? Did you
 20 actually review the 2010 decennial census and
 21 assist in determining the appropriate
 22 constitutional boundaries for the state and
 23 congressional districts as memorialized in Acts 43
 24 and 44?
 25 MR. MCLEOD: I assert the

1 objection. To the extent you can answer,
 2 please do so.
 3 A Yes, I reviewed the 2010 decennial census and
 4 assisted the legal counsel and the remainder of
 5 that paragraph.
 6 Q Okay. Turning to paragraph No. 11. Did you in
 7 fact review census and population data from the
 8 2010 decennial census to insure minimum population
 9 deviation for new districts?
 10 A Yes.
 11 Q Okay. In paragraph 12, did you in fact as part of
 12 your, as part of your redistricting work review
 13 population and other data so as to preserve, to
 14 the extent possible and practicable, the core
 15 population of prior districts as well as
 16 communities of interest?
 17 MR. MCLEOD: I'm going to assert
 18 the same objection as to the form. It's
 19 vague and ambiguous. To the extent you
 20 understand the question and can answer it,
 21 please do so.
 22 A Yes.
 23 Q Paragraph No. 13 then. Did you assist the
 24 legislature in insuring that the new redistricting
 25 maps, to the extent possible, kept wards and

1 municipalities whole within legislative boundaries
 2 and to the extent possible recognize local
 3 government boundaries?
 4 A Yes.
 5 Q All right. Did you ever discuss with anyone
 6 testifying at trial about that work that you did?
 7 MR. KELLY: Objection based on the
 8 attorney-client privilege and work product
 9 doctrine. I instruct the witness not to
 10 answer.
 11 Additionally, to the extent that I've
 12 interposed an attorney-client privilege
 13 objection to any of the other responses based
 14 on Exhibit 10, that also incorporates an
 15 objection based on the work product doctrine.
 16 Q Counsel hasn't instructed you not to answer.
 17 MR. KELLY: I have.
 18 MS. LAZAR: He did.
 19 MR. POLAND: You did. Okay.
 20 Q Are you going to follow counsel's instruction not
 21 to answer?
 22 A Yes.
 23 Q Let's turn to page 14. Did you assist legislature
 24 to insure that if voters were shifted from odd to
 25 even senate districts they were not unnecessarily

1 disenfranchised by being deprived of the
 2 opportunity to vote?
 3 A No.
 4 Q Anybody ever talk to you about potentially
 5 testifying at trial on that issue?
 6 MR. KELLY: Objection based on the
 7 attorney-client privilege and work product
 8 doctrine. And I instruct the witness not to
 9 answer.
 10 Q And will you follow counsel's instruction not to
 11 answer?
 12 A Yes.
 13 Q Paragraph No. 15. Did you review the 2010
 14 decennial census data and the previous districting
 15 maps to insure that the new districts were as
 16 geographically compact as practicable?
 17 A No.
 18 Q Did you ever talk with anyone about testifying at
 19 trial on that topic?
 20 MR. KELLY: Objection based on the
 21 attorney-client privilege and work product
 22 doctrine. And I instruct the witness not to
 23 answer.
 24 Q And are you going to follow counsel's instruction
 25 to not answer the question?

1 A Yes.
 2 Q Turning back quickly here to paragraph 14. You
 3 mentioned -- you said you did not provide that
 4 assistance. Do you know anyone who did?
 5 A No.
 6 Q Same question for No. 15. Do you know anyone who
 7 did review the decennial census data in previous
 8 districting maps to insure the new districts were
 9 geographically compact as practicable?
 10 A Yes.
 11 Q Who did?
 12 A I don't know, but I am aware that there was --
 13 there have -- there was a report produced on
 14 compactness.
 15 Q Do you know who produced that report?
 16 A No.
 17 Q Do you know when you saw it?
 18 A No.
 19 Q Would it have been sometime before the legislation
 20 was passed?
 21 A Possibly.
 22 Q Were you at Michael Best & Friedrich when you saw
 23 that report on compactness?
 24 A Yes.
 25 Q Was it in paper copy?

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1 A Yes.
 2 Q Any idea how thick it was?
 3 A No.
 4 Q Any estimate as to how many pages?
 5 A No.
 6 Q Did you discuss that report with anyone?
 7 A No.
 8 Q Who was with you when you saw that report?
 9 A My recollection would be Tad and Adam.
 10 Q Were you asked to do anything with respect to that
 11 report?
 12 A No.
 13 Q Did they ask you to give any opinions about what
 14 was stated in the report?
 15 A No.
 16 Q Paragraph 16. Did you in fact assist the
 17 legislature to prevent unnecessary and
 18 unconstitutional voter dilution of minority
 19 voters?
 20 A I assisted the legal team in the provision of
 21 advice to the legislature on such matters.
 22 Q Did anyone talk to you about testifying at trial
 23 on that topic?
 24 MR. KELLY: Objection, calls for
 25 information protected by the attorney-client

1 attorney-client privilege and the work
 2 product doctrine. And I instruct you not to
 3 answer. If you can answer outside of those
 4 parameters, you may.
 5 A Can you repeat the question?
 6 MR. POLAND: Could you read it
 7 back?
 8 (Question read)
 9 A No.
 10 Q Did you ever discuss with anyone whether you would
 11 or would not testify at trial?
 12 MR. KELLY: Objection, calls for
 13 information protected by the attorney-client
 14 privilege and the work product doctrine. And
 15 I instruct the witness not to answer.
 16 Q Are you going to follow counsel's instruction not
 17 to answer?
 18 A Yes.
 19 Q Do you expect to testify at trial?
 20 A No.
 21 Q If subpoenaed to testify at trial or if called as
 22 a witness at trial, would you testify at trial?
 23 A Certainly.
 24 Q Have you seen a copy of the complaint in this
 25 case, Mr. Handrick?

1 privilege and work product doctrine. And I
 2 instruct the witness not to answer.
 3 Q And are you going to follow counsel's instructions
 4 and not answer the question?
 5 A Yes.
 6 Q And paragraph 17. Did you assist the legislature
 7 to insure that the new districts reflected
 8 communities of interest?
 9 A Yes.
 10 Q And did -- and has anyone talked to you about
 11 testifying at trial on that topic?
 12 MR. KELLY: Objection, calls for
 13 information protected by the work product
 14 doctrine and the attorney-client privilege.
 15 And I instruct the witness not to answer.
 16 Q And are you going to follow counsel's instruction
 17 and not answer the question?
 18 A Yes.
 19 Q Were you ever told that you would or would not
 20 testify at trial?
 21 MR. KELLY: Objection to the extent
 22 that that calls for information that you
 23 obtained or were given with respect to your
 24 participation in the defense of this map
 25 since November 22, 2011. It invades the

1 A Yes.
 2 Q Okay. And there actually have been several
 3 complaints filed. There was -- it was not a trick
 4 question, not intended to be a trick question.
 5 Do you recall which of the complaints you've
 6 seen?
 7 A I believe I recall seeing the original, the
 8 original complaint.
 9 Q Okay. Have you seen a copy of the most recent
 10 complaint filed in the case?
 11 MS. LAZAR: Objection. Could you
 12 clarify which case? They're consolidated.
 13 MR. POLAND: Sure. Let's just
 14 go ahead and mark it as an exhibit.
 15 (Exhibit No. 11 marked for
 16 identification)
 17 Q Mr. Handrick, I'm handing you a copy of a document
 18 that's been marked as Exhibit No. 11. I'll give
 19 you a minute to take a look at it.
 20 A Okay.
 21 (Witness reviews document)
 22 Q So for the record, Exhibit No. 11 is a document
 23 that's titled *Second Amended Complaint for*
 24 *Declaratory and Injunctive Relief*, and it's dated
 25 November 18, 2011. Mr. Handrick, have you seen a

1 copy of this document before, Exhibit 11?
 2 A Yes.
 3 Q Okay. When did you see it?
 4 A Late November.
 5 Q Do you recall who gave it to you?
 6 A No, I don't.
 7 Q Were you asked to provide any comments on it?
 8 MR. KELLY: Objection to the extent
 9 that that calls for information protected by
 10 the attorney-client privilege or the work
 11 product doctrine. I instruct you not to
 12 answer. And that instruction goes this far.
 13 To the extent that you were asked to
 14 provide any commentary or opinion on it by
 15 counsel for the defendants in this case, the
 16 Members of the GAB and the Executive
 17 Director, that would be covered by the
 18 attorney-client privilege and the work
 19 product doctrine. If you were asked to
 20 provide commentary by anyone else, you may
 21 answer. Otherwise, I instruct you not to
 22 answer.
 23 Q So let's take the easy part first. Anybody other
 24 than legal counsel for the
 25 Government Accountability Board ask you to comment

1 A Yes.
 2 Q Okay. And is this a document that you've seen
 3 before?
 4 A I do not recall ever seeing this document.
 5 Q Were you asked to provide any input into answers
 6 to the allegations that were contained in
 7 Exhibit 11, which is the *Plaintiffs' Second*
 8 *Amended Complaint*?
 9 MR. KELLY: Object. The question
 10 calls for information that invades the
 11 attorney-client privilege and the work
 12 product doctrine. I instruct the witness not
 13 to answer.
 14 Q Are you going to follow counsel's instruction not
 15 to answer the question?
 16 A Yes.
 17 Q All right. Did you ever see copies of discovery
 18 requests that were served on the parties in this
 19 case?
 20 A No.
 21 Q Okay. Do you know what discovery requests are?
 22 A Not really.
 23 Q Fancy lawyer terms for questions that we ask of
 24 the other side and for -- we send requests to
 25 produce documents. Did you ever see anything like

1 on the second amended complaint?
 2 A No.
 3 Q Did any members of any of the counsel for the
 4 Government Accountability Board ask you to comment
 5 on the second amended complaint?
 6 MR. KELLY: Object to the extent
 7 that it invades the attorney-client privilege
 8 and the work product doctrine. And I
 9 instruct the witness not to answer.
 10 Q Are you going to follow counsel's instructions not
 11 to answer the question?
 12 A Yes.
 13 Q Have you seen a copy of the answer that the
 14 defendants filed to the second amended complaint?
 15 A I don't know.
 16 (Exhibit No. 12 marked for
 17 identification)
 18 Q Mr. Handrick, I've handed you a copy of a document
 19 that the court reporter has marked as deposition
 20 Exhibit No. 12. And if you turn to the
 21 second page, you'll see that the document has a
 22 title. It says *Defendants' Answer and Affirmative*
 23 *Defenses to Second Amended Complaint for*
 24 *Declaratory and Injunctive Relief*. Do you see
 25 that?

1 that in this case?
 2 A No.
 3 Q Okay.
 4 (Exhibit No. 13 marked for
 5 identification)
 6 Q Mr. Handrick, I've handed you a copy of a document
 7 that's been marked as Exhibit No. 13. And as
 8 you'll see on the front page, it says *Plaintiffs'*
 9 *First Set of Interrogatories and First Request for*
 10 *Production of Documents*. Do you see that?
 11 A Yes.
 12 Q Were you ever asked -- strike that question.
 13 Were you ever given a copy of Exhibit 13?
 14 A No.
 15 Q If you turn to page No. 5, you see it says *Request*
 16 *for Production of Documents*. And if you kind of
 17 flip through pages, you'll see a number of
 18 document production requests up to No. 13. Do you
 19 see those?
 20 A Yes, I see that.
 21 Q Were you ever asked -- other than through your
 22 subpoena for this deposition, were you ever asked
 23 to look for or gather documents responsive to
 24 these requests?
 25 MR. KELLY: Object. The question

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1 calls for information protected by the
 2 attorney-client privilege and work product
 3 doctrine. I instruct the witness not to
 4 answer.
 5 Q Are you going to follow counsel's advice and not
 6 answer the question?
 7 A Yes.
 8 Q Mr. Handrick, when did you actually physically
 9 begin working on the redistricting plans that were
 10 embodied in Wisconsin Acts 43 and 44?
 11 MR. MCLEOD: Object to the form of
 12 the question on the grounds that it's vague
 13 and ambiguous. To the extent you can
 14 understand the question and respond, please
 15 do so.
 16 A Please repeat the question.
 17 (Question read)
 18 A I do not specifically recall.
 19 Q Okay. Do you recall -- you mentioned before that
 20 you enter time into Reinhart's time keeping
 21 system, correct?
 22 A Yes.
 23 Q Do you recall when the first time was that you
 24 actually entered time on the redistricting matter?
 25 A I don't recall specifically.

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1 Q Do you recall how far after -- how long after it
 2 was before Reinhart was retained in February 2011
 3 that you started that work?
 4 A Not specifically.
 5 Q As best you recall, was it in the month of
 6 February?
 7 A Probably.
 8 Q Now, you had given me a list of names earlier in
 9 the deposition of people who were present with you
 10 at Michael Best & Friedrich when you were working
 11 on the redistricting plans. In addition to those
 12 names, was there anybody else that you worked with
 13 on the redistricting plans? I can read those
 14 names back if you need me to refresh your memory
 15 on that.
 16 A I cannot recall any additional names.
 17 Q Okay. During -- from the time that you were --
 18 that Reinhart was engaged in February up until the
 19 present, with whom have you discussed at any time
 20 the redistricting process itself?
 21 MR. KELLY: Objection to the extent
 22 it calls for information protected by the
 23 attorney-client privilege, the work product
 24 doctrine. I instruct the witness not to
 25 answer.

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1 The instruction goes so far as
 2 conversations with counsel either at Reinhart
 3 or DOJ or the client from November 22
 4 forward. If there's any responsive
 5 information you have prior to that time, you
 6 may answer.
 7 A Please restate the question.
 8 (Question read)
 9 MR. MCLEOD: I'm going to object to
 10 the question on the grounds that it's vague
 11 and ambiguous. To the extent you understand
 12 the question, please answer.
 13 A I can't answer that question with specifics.
 14 Q Okay. What is it that you can't answer, or why
 15 can't you answer the question?
 16 A The question was the redistricting process.
 17 Q Correct.
 18 A Because of my past involvement, people all the
 19 time ask me about the process.
 20 Q Okay. You're talking about outside of the work
 21 that you were engaged to do in February?
 22 A Yes.
 23 Q All right. Let's limit it then for the purpose of
 24 the redistricting that you were engaged to
 25 perform, okay, in 2011, all right? With that

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1 qualification on it then, with whom have you
 2 discussed that redistricting process?
 3 MR. KELLY: Objection on the same
 4 basis as my prior objection. It calls for
 5 information protected by the attorney-client
 6 privilege and work product doctrine. And I
 7 instruct the witness not to answer unless the
 8 response of information relates to the time
 9 period prior to November 22, in which you may
 10 answer.
 11 MR. MCLEOD: And I apologize.
 12 Could you read the question back? I'm trying
 13 to understand it.
 14 (Question read)
 15 MR. MCLEOD: I'm going to object to
 16 the form of the question as vague and
 17 ambiguous. To the extent you understand it,
 18 please answer.
 19 A The list of names I supplied before.
 20 Q Okay. Is there anyone else other than the people
 21 who were on the list of names you supplied before
 22 that you've discussed the redistricting process
 23 with?
 24 MR. KELLY: Same objection. To the
 25 extent that your answer would involve

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1 individuals you spoke with subsequent to
 2 November 22, either with counsel or at the
 3 direction of counsel, that information would
 4 be protected by the work product doctrine and
 5 the attorney-client privilege. And to that
 6 extent, I instruct you not to answer.
 7 MR. MCLEOD: And I'm going to
 8 assert the same form objection as to vague
 9 and ambiguous.
 10 Q To the extent that you've been instructed by
 11 counsel not to answer the question, are you going
 12 to follow counsel's instructions and not answer
 13 the question?
 14 A Yes.
 15 Q I'd like to go back to the list of names that we
 16 talked about before. You mentioned Mr. Ottman who
 17 had been present with you at Michael Best &
 18 Friedrich at times, correct?
 19 A Correct.
 20 Q All right. Did you have any conversations with
 21 Mr. Ottman about the redistricting process?
 22 MR. MCLEOD: I'm going to object to
 23 the form, vague and ambiguous.
 24 MR. KELLY: Also object to the
 25 extent that it calls for information related

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1 to conversations occurring at the instruction
 2 of counsel for the defendants in this case.
 3 And to the extent that your answer would
 4 involve information obtained or directed by
 5 counsel subsequent to November 22, I instruct
 6 you not to answer. If you can answer the
 7 question without relaying information on or
 8 after November 22, you may answer.
 9 A Please restate the question.
 10 (Question read)
 11 A Yes.
 12 Q Okay. When did you have those conversations with
 13 Mr. Ottman?
 14 A I could not recall that.
 15 Q All right. What was the earliest that you had
 16 conversations with Mr. Ottman about the 2011
 17 redistricting process?
 18 A I don't recall specifically.
 19 Q Did you have conversations with Mr. Ottman about
 20 the redistricting process that occurred outside of
 21 Michael Best & Friedrich's offices?
 22 MR. KELLY: Objection to the extent
 23 it calls for information protected by the
 24 attorney-client privilege and the work
 25 product doctrine. To the extent that that

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1 question requires you to discuss any
 2 conversations that occurred subsequent to
 3 November 22 at the direction of counsel, I
 4 instruct you not to answer. If it does not
 5 cover that, you may answer if you know.
 6 A Not that I recall.
 7 Q Have you -- are you going to follow counsel's
 8 instruction and not answer the question with
 9 respect to conversations with Mr. Ottman after
 10 November 22, 2011?
 11 A Yes.
 12 Q All right. Did you ever speak with Mr. Ottman by
 13 telephone about the 2011 redistricting process?
 14 MR. KELLY: Objection. Mr. Poland,
 15 perhaps just for purposes of expediting
 16 things, can we segment things between
 17 conversations that he's had at the direction
 18 of counsel from those that are not?
 19 MR. POLAND: Sure. Yeah, I'll --
 20 well, why don't I do it by date. That will
 21 probably be the easiest way to do it.
 22 Q So before November 22, 2011, did you have any
 23 conversations with Mr. Ottman about the 2011
 24 redistricting process?
 25 MR. MCLEOD: I'm going to assert

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1 the same form objection. It's vague and
 2 ambiguous. Please answer if you can.
 3 A Yes.
 4 Q All right. Did any of those conversations occur
 5 by telephone?
 6 A Yes.
 7 Q Where were you when you had those phone calls with
 8 Mr. Ottman?
 9 A Outside of the Michael Best office.
 10 Q Where were you physically? Were you in Reinhart's
 11 offices?
 12 A I can't recall.
 13 Q Do you know where Mr. Ottman was when he was
 14 speaking with you?
 15 A Not necessarily, no.
 16 Q Did you have any of those conversations by cell
 17 phone?
 18 A I can't -- I can't say that for sure.
 19 Q Did you communicate with Mr. Ottman at all by text
 20 messaging?
 21 MR. KELLY: Objection. Could we
 22 interpose the time frame?
 23 Q Time frame before November 22, 2011. Did you
 24 communicate with Mr. Ottman about redistricting by
 25 text messaging?

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1 A Not that I recall.
 2 Q Before November 22, 2011, did you communicate with
 3 Mr. Ottman about redistricting through instant
 4 messaging?
 5 A I don't -- I'm not sure what instant messaging is.
 6 Q Do you have a Yahoo! account?
 7 A No.
 8 Q Do you have a Google account?
 9 A No.
 10 Q All right. Do you have a Facebook account?
 11 A Yes.
 12 Q All right. Have you ever used the instant
 13 messaging feature on Facebook for the purpose of
 14 redistricting?
 15 A No.
 16 Q Did you ever meet with Mr. Ottman to discuss
 17 redistricting in the state capitol building?
 18 MR. KELLY: Prior to November 22?
 19 Q Prior to November 22.
 20 A Yes.
 21 Q When did you meet with Mr. Ottman in the state
 22 capitol building?
 23 A I cannot recall the specific date.
 24 Q Do you recall what month it was?
 25 A It was the month -- it was the month when the

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1 assembly and senate actually were taking up that
 2 matter.
 3 Q Actually voting on it?
 4 A Yes.
 5 Q Okay. There was testimony given in support of the
 6 acts. Do you recall that?
 7 A Yes.
 8 Q All right. And that was in the month of July; do
 9 you remember that?
 10 A Yes.
 11 Q And were you present for that testimony when it
 12 was given?
 13 A No.
 14 Q All right. Were you -- did you meet with
 15 Mr. Ottman on or around the time that the
 16 testimony was given?
 17 A Not that I recall.
 18 Q When you spoke with Mr. Ottman by telephone, what
 19 did you discuss about the redistricting?
 20 A Those type of specifics I would have no
 21 recollection of.
 22 Q Do you recall how many times you spoke with
 23 Mr. Ottman by phone about redistricting? This is
 24 again before November 22.
 25 A No.

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1 Q When you were present with Mr. Ottman at
 2 Michael Best & Friedrich's offices, what did
 3 you -- what did you discuss with him about, about
 4 the specific redistricting plans that were being
 5 drawn?
 6 MR. MCLEOD: I'm going to assert
 7 the objection that it constitutes legislative
 8 privilege. It also may be subject to the
 9 attorney-client, attorney work product
 10 privilege. As to the latter,
 11 attorney-client, attorney work product, I
 12 would instruct you not to answer as it
 13 relates to the legislative privilege. In
 14 light of the Court's order, if you can
 15 answer, please do so.
 16 Q Are you going to follow counsel's instruction not
 17 to answer the question?
 18 A Yes.
 19 Q I'd like to ask you -- Mr. Foltz is another person
 20 that you had mentioned that was present with you
 21 at Michael Best & Friedrich, correct?
 22 A Yes.
 23 Q All right. And -- actually, strike that question.
 24 One cleanup point on discussions with
 25 Mr. Ottman. Have you spoken with Mr. Ottman about

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1 the legislative redistricting process after
 2 November 22, 2011?
 3 A Yes.
 4 Q All right. And what have you discussed with
 5 Mr. Ottman after November 22, 2011?
 6 MR. KELLY: Objection, calls for
 7 information protected by the attorney-client
 8 privilege and work product doctrine. I
 9 instruct the witness not to answer.
 10 Q And are you going to follow counsel's
 11 instructions?
 12 A Yes.
 13 Q All right. Mr. Foltz, you did meet with Mr. Foltz
 14 at Michael Best & Friedrich's offices to work on
 15 the redistricting plans, correct?
 16 A Yes.
 17 Q All right. Let's talk first about since
 18 November 22. Have you had conversations with
 19 Mr. Foltz, Mr. Foltz since November 22, 2011
 20 relating to redistricting?
 21 A Yes.
 22 Q And what are the nature of those conversations?
 23 MR. KELLY: Objection, calls for
 24 information protected by the attorney-client
 25 privilege and the work product doctrine. I

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1 instruct the witness not to answer.
 2 Q And are you going to follow counsel's instruction
 3 not to answer the question?
 4 A Yes.
 5 Q All right. So for Mr. Foltz, the rest of my
 6 questions are -- will range from February 15, 2011
 7 up until before November 22, okay?
 8 A Okay.
 9 Q Did you know Mr. Foltz before you met with him at
 10 Michael Best for the purpose of the 2011
 11 redistricting?
 12 A Yes.
 13 Q All right. How did you know Mr. Foltz beforehand?
 14 A He was and is a staff member in the Office of
 15 State Assembly.
 16 Q Okay. And you knew him through that relationship?
 17 A Yes.
 18 Q Did you -- did you know him in any way outside of
 19 that relationship?
 20 A No.
 21 Q Okay. Do you know anybody else in Mr. Foltz's
 22 family?
 23 A Not that I know of.
 24 Q Is Mr. Foltz from Minocqua?
 25 A No.

1 instructions not to answer the question?
 2 A Yes.
 3 Q All right. Did you ever discuss redistricting
 4 with any democratic member of the legislature?
 5 A Yes.
 6 Q And who did you discuss -- which democrats did you
 7 discuss redistricting with?
 8 A In 2002 after the maps were unveiled in federal
 9 court I had an interchange with Representative
 10 Barbara Gronemus.
 11 Q I'm sorry. Can you spell that?
 12 A Barbara Gronemus.
 13 Q Barbara is the easy one, right?
 14 A Yeah. G-r-o-n -- I couldn't -- I couldn't -- you
 15 couldn't count on my spelling.
 16 Q Okay. That was around the 2002 time frame?
 17 A Yes.
 18 Q Okay. Have you discussed the 2011 redistricting
 19 process with any member of the democratic party
 20 serving in the Wisconsin State Legislature?
 21 A Yes.
 22 Q And who have you spoken with?
 23 A Senator Robert Wirsch.
 24 Q When did you speak with Mr. Wirsch?
 25 A I can't give you the exact date.

1 Q All right. There's a Foltz family in Minocqua,
 2 correct?
 3 A Yes.
 4 Q And they had been -- the Foltz family in Minocqua
 5 had been donors to your campaign when you were
 6 serving in the assembly, correct?
 7 A Yes.
 8 Q All right. Do you know whether Mr. Foltz is
 9 related to the Foltz family from Minocqua?
 10 A I do not know that.
 11 Q When you and Mr. Foltz were together at
 12 Michael Best & Friedrich, what did you discuss
 13 generally with respect to redistricting?
 14 MR. MCLEOD: I'm going to assert
 15 the same objection I did before, which is to
 16 the extent it calls for information subject
 17 to the attorney-client or attorney work
 18 product privileges, I instruct the witness
 19 not to answer. To the extent it falls within
 20 the scope of the legislative privilege,
 21 recognizing the Court's order, you may
 22 answer.
 23 Q Can you answer the question?
 24 A No.
 25 Q Okay. Are you going to follow counsel's

1 Q Can you recall approximately what month?
 2 A August.
 3 Q Do you know if it was before or after Acts 43 and
 4 44 were passed?
 5 A My recollection is it was after.
 6 Q Any other democratic members of the legislature
 7 you can recall discussing the 2011 redistricting
 8 with?
 9 A No.
 10 Q Have you ever told anyone that you were not
 11 working on the 2011 redistricting process?
 12 A I don't recall that, no.
 13 Q What was your goal in developing the map, the map
 14 that became Act 43?
 15 MR. KELLY: Objection, form.
 16 A Can you restate the question?
 17 Q Sure.
 18 (Question read)
 19 A I was retained -- Reinhart was retained by
 20 Michael Best & Friedrich to give them assistance
 21 as they gave counsel to the legislature and
 22 development of the apportionment plans following
 23 the 2010 census. My goal was to, as best I could,
 24 provide that assistance to the legal counsel so
 25 that in the end they were successful in their

1 advice that they would then give to the
 2 legislature.
 3 Q Was it not the goal to increase the republican
 4 membership in the legislature?
 5 A That is not my goal.
 6 Q What about Act 44; was it not the goal to increase
 7 republican membership through Act 44?
 8 MR. KELLY: Objection, form.
 9 A I did not participate in Act 44.
 10 Q Okay. You had nothing at all to do with Act 44?
 11 A That is correct.
 12 Q When you were at -- when you were at
 13 Michael Best & Friedrich working there on the
 14 redistricting, did you give any kind of input or
 15 commentary on maps that eventually became Act 44?
 16 A Not that I recall.
 17 Q Have you ever discussed the question of district
 18 boundaries for senate recall elections?
 19 MR. KELLY: Objection. Do you want
 20 to give a time frame?
 21 Q At any time.
 22 MR. KELLY: I'll object to the
 23 extent it calls for information protected by
 24 the attorney-client privilege and work
 25 product doctrine. To the extent that you

1 recall elections with anyone after November 22,
 2 2011?
 3 MR. KELLY: Objection. The
 4 question calls for information potentially
 5 covered by the attorney-client privilege and
 6 the work product doctrine. To the extent the
 7 response would involve identifying
 8 conversations you had with counsel for the
 9 defendants or at the instruction of counsel,
 10 then I instruct you not to answer. If there
 11 were other conversations outside of those
 12 parameters, then you may answer.
 13 Q Are you going to follow counsel's instructions and
 14 not answer the question?
 15 A Yes.
 16 Q Were you involved in drafting the provision that
 17 established the effective date for Act 43?
 18 A No.
 19 Q Before November 22, 2011, did you ever have any
 20 conversations with anyone about the effective date
 21 for Act 43?
 22 A Yes.
 23 Q Okay. And who did you speak with about that
 24 topic?
 25 A Legal counsel.

1 can -- that you have information responsive
 2 to the question relating to material prior to
 3 November 22, 2011, you may answer. To the
 4 extent that your response would involve
 5 information subsequent -- or on or after
 6 November 22, 2011, I instruct you not to
 7 answer.
 8 A Please restate the question.
 9 Q Sure. Actually, let me withdraw that, and let's
 10 limit it in time.
 11 So let's talk about before November 22, 2011.
 12 Did you ever discuss the question of district
 13 boundaries for senate recall elections with
 14 anyone?
 15 A Yes.
 16 Q Okay. Who did you discuss that topic with?
 17 A I know I discussed it with my wife.
 18 Q Okay. Anyone other than your wife?
 19 A Not that, not that I can recall specifically.
 20 Q Do you recall generally any conversations that you
 21 had with anyone on that topic?
 22 A No, I can't.
 23 Q All right. Now, what about after November 22,
 24 2011; did you have -- did you ever discuss the
 25 question of the district boundaries for the senate

1 Q And who is that specifically?
 2 A My recollection is that it was Patrick Hodan.
 3 Q And what were the nature of your -- what was the
 4 nature of your conversation with Mr. Hodan on that
 5 topic?
 6 MR. KELLY: Objection -- or just a
 7 clarification. Was that a conversation
 8 before or after November 22?
 9 THE WITNESS: I believe it was
 10 before.
 11 Q And what was the nature of your conversation with
 12 Mr. Hodan on that subject?
 13 A He asked me the exact question you asked a few
 14 moments ago regarding did I have any knowledge of
 15 the effective date of Act 43.
 16 Q And how did you respond to Mr. Hodan when he asked
 17 you that question?
 18 A No.
 19 Q Have you had any conversations since November 22,
 20 2011 with anyone about the effective date for
 21 Act 43?
 22 MR. KELLY: Objection to the extent
 23 the question calls for information covered by
 24 the attorney-client privilege or the work
 25 product doctrine. And to that extent I

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1 instruct the witness not to answer. However,
 2 you may answer with respect to any
 3 conversations you had that were either not
 4 with counsel for the defendants or not at
 5 counsel's direction.
 6 Q Did you have any conversations, non-privileged
 7 conversations since November 22?
 8 A Not that I can recall.
 9 Q And with respect to any conversations that counsel
 10 has objected to, are you going to follow counsel's
 11 instructions not to answer the question?
 12 A Yes.
 13 Q Do you have an opinion on the appropriate
 14 boundaries for the pending or potential recall
 15 elections?
 16 MR. KELLY: Objection, form. You
 17 may answer if you can.
 18 A Yes.
 19 Q Okay. And what is that opinion?
 20 MR. KELLY: Objection, form, but
 21 you may answer if you can.
 22 A Please restate the underlying question.
 23 MR. POLAND: Sure. Can you read
 24 back the question?
 25 (Question read)

1 since that time?
 2 MR. KELLY: Objection to the extent
 3 the question calls for information protected
 4 by the attorney-client privilege or the work
 5 product doctrine. I instruct the witness not
 6 to answer to the extent that it does.
 7 However, to the extent that you had
 8 conversations that were not with counsel for
 9 the defendants or at the instruction of
 10 counsel, then you may answer.
 11 A None that I recall.
 12 Q And then as far as any privileged conversations or
 13 any conversations you might have had that counsel
 14 has asserted a privilege over, are you going to
 15 follow counsel's instructions and not answer the
 16 question?
 17 A Yes.
 18 Q You mentioned before when we were talking about
 19 people who were present when you were working at
 20 Michael Best & Friedrich a number of lawyers,
 21 correct?
 22 A Yes.
 23 Q All right. And so you mentioned Mr. McLeod was
 24 present, correct?
 25 A Occasionally.

1 A I answered that yes.
 2 Q Yes.
 3 A And then --
 4 Q And then I asked *What are those opinions?*
 5 A What are those opinions? My opinion is I'm just
 6 greatly confused how the plaintiffs can charge
 7 that the map is unconstitutional and then how any
 8 elections can be held under that map.
 9 Q Okay. And what's the basis for that opinion?
 10 A Purely personal.
 11 Q Have you discussed that issue with anyone?
 12 MR. KELLY: Objection. Would you
 13 care to narrow the scope of the question?
 14 Q Is that an opinion that you held before
 15 November 22, 2011?
 16 A Yes.
 17 Q Okay. Did you discuss that opinion that you hold
 18 with anyone before that time?
 19 A Yes.
 20 Q All right. Who did you discuss that with?
 21 A My wife.
 22 Q Okay. Anyone else?
 23 A Not that I, not that I recall specifically.
 24 Q Okay. And then after November 22, 2011, have you
 25 discussed that opinion that you hold with anyone

1 Q Occasionally. And Mr. Taffora was present
 2 occasionally?
 3 A Occasionally.
 4 Q All right. Which law firm does Mr. Taffora work
 5 for?
 6 A My understanding is that he works at
 7 Michael Best & Friedrich.
 8 Q Okay. And then you mentioned Mr. Troupis,
 9 correct?
 10 A Yes.
 11 Q And Mr. Troupis formerly was at Michael Best &
 12 Friedrich, correct?
 13 A Yes.
 14 Q And he now has his own law firm, correct?
 15 A That's my understanding.
 16 Q Okay. You mentioned Sarah Troupis as well. Is
 17 Sarah Troupis a lawyer?
 18 A My understanding is she is an attorney, yes.
 19 Q Do you know where she -- whether she works for a
 20 law firm?
 21 A I don't know for certain.
 22 Q And you mentioned Robin Vos, correct?
 23 A Yes.
 24 Q Does Robin Vos hold a law degree; do you know?
 25 A Not to my knowledge.

1 Q What about Rich Zipperer?
 2 A My understanding is that, yes, he possesses a law
 3 degree.
 4 Q Okay. But not currently practicing law?
 5 A I would have no knowledge --
 6 Q Okay.
 7 A -- on that.
 8 Q Other than the people that I've just mentioned,
 9 Mr. McLeod, Mr. Taffora, Mr. Troupis,
 10 Sarah Troupis, depending on whether you want to
 11 include Zipperer or not because he has a law
 12 degree, are there any other lawyers or people
 13 holding law degrees that were present at
 14 Michael Best & Friedrich when you were there
 15 working on redistricting?
 16 A I do not recall any additional.
 17 Q What was the role that Mr. Troupis was playing in
 18 redistricting when you were with him at
 19 Michael Best & Friedrich?
 20 MR. MCLEOD: I'm going to assert an
 21 objection. The -- as a matter of record,
 22 Attorney Troupis is retained as counsel for
 23 the legislature on matters related to
 24 redistricting. To the extent that the answer
 25 calls for matters within the scope of the

1 attorney-client privilege or the attorney
 2 work product, I would instruct the witness
 3 not to answer. I'll leave it at that.
 4 Q Are you going to follow counsel's instruction and
 5 not answer the question?
 6 A Yes.
 7 Q Same question with respect to Mr. McLeod. Did
 8 Mr. McLeod have a specific role in the
 9 redistricting work that you were doing at
 10 Michael Best & Friedrich?
 11 MR. MCLEOD: I'm going to assert
 12 the same objection.
 13 Q Okay. Are you going to follow counsel's
 14 instruction not to answer the question?
 15 A Yes.
 16 Q Okay. Same question with respect to Mr. Taffora.
 17 MR. MCLEOD: I assert the same
 18 objection.
 19 Q Okay. And you're going to follow counsel's
 20 instruction and not answer the question?
 21 A Yes.
 22 Q What about Sarah Troupis?
 23 MR. MCLEOD: Same objection.
 24 A Yes.
 25 Q And you're going to -- you're going to follow

1 counsel's instruction and not answer the question.
 2 Okay.
 3 What about -- what about Mr. Vos's role?
 4 What role did Mr. Vos have in the redistricting
 5 process when you worked together at Michael Best &
 6 Friedrich?
 7 A Mr. Vos is a legislature who was assisting the
 8 speaker in the legislative process.
 9 Q How many times was Mr. Vos present with you at
 10 Michael Best when you were working on the
 11 redistricting process?
 12 A I can't recall that exact number.
 13 Q Can you give me a ballpark, dozen times, couple
 14 dozen times?
 15 A Ballpark would be two, three.
 16 Q Do you remember around what time frame that was?
 17 A Not exactly.
 18 Q Can you recall whether it was, whether it was
 19 still winter or whether it was into the summer?
 20 A It roughly would have been June.
 21 Q Did you have any discussions with Mr. Vos about
 22 the specific redistricting plans that were being
 23 proposed?
 24 A Yes.
 25 Q Okay. And what's the nature of those discussions

1 you had with Mr. Vos?
 2 A Those type of specifics I couldn't possibly
 3 recount or recall.
 4 Q Did you ever talk about any specific districts
 5 with Mr. Vos?
 6 A No.
 7 Q Did you ever look at any proposed redistricting
 8 maps together and talk about specific boundaries
 9 of districts?
 10 A Regionally.
 11 Q And were those the same regions that you had
 12 conversations with both Jeff and Scott Fitzgerald
 13 about?
 14 A Yes.
 15 Q Do the proposed regional maps still exist; do you
 16 know?
 17 A I do not know.
 18 Q The regional maps you were looking at with
 19 Mr. Vos, were those also on paper?
 20 A Yes.
 21 Q Did you ever have any kind of an image, a scan, or
 22 anything that reflected those regional maps that
 23 was sent to you outside of Michael Best's offices?
 24 A No.
 25 Q Did you ever take a CD of those maps out of

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1 Michael Best's offices with you?
2 A No.
3 Q Did you communicate at all with Mr. Ottman or
4 Mr. Foltz, Mr. Vos, or Jeff or Scott Fitzgerald by
5 e-mail about the 2011 redistricting?
6 MR. KELLY: Objection. Can we put
7 in a time frame?
8 Q Sure. At any time.
9 MR. KELLY: Then objection to the
10 extent the question calls for information
11 protected by the attorney-client privilege or
12 the work product doctrine. And I instruct
13 the witness not to answer.
14 However, to the extent that you can
15 answer the question with respect to
16 information prior to November 22, 2011, you
17 may answer if you can.
18 Q Are you going to take counsel's instructions and
19 not answer the question with respect to any e-mail
20 after November 22, 2011?
21 A Yes.
22 Q How about before November 22, 2011; did you have
23 any e-mail communications with Mr. Ottman,
24 Mr. Foltz, Scott Fitzgerald, Jeff Fitzgerald, or
25 Robin Vos?

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1 Mr. Ottman by e-mail?
2 A Specifically, no.
3 Q Do you retain copies of the e-mail correspondence
4 between you and Mr. Ottman about redistricting?
5 A No.
6 Q Did you ever communicate with Mr. Ottman by
7 instant messaging or text messaging about
8 redistricting matters? And, again, this is before
9 November 22, 2011.
10 A Not that I recall.
11 Q Did you communicate with Mr. Foltz before
12 November 22, 2011 by e-mail?
13 A Yes.
14 Q Including specifically with respect to
15 redistricting matters.
16 A Yes.
17 Q All right. Did you communicate with Mr. Foltz
18 both using your Reinhart e-mail account and your
19 dot MSN account?
20 A To my recollection, yes.
21 Q All right. Did you retain any of those e-mail
22 communications?
23 A No.
24 Q Did anyone ever tell you or instruct you not to
25 retain e-mail communications regarding

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1 A Yes.
2 Q Okay. Let's break it down and talk about
3 Mr. Ottman. So for Mr. Ottman before November 22,
4 2011, did you have any communications with him by
5 e-mail about redistricting?
6 A Yes.
7 Q How often did you e-mail Mr. Ottman about
8 redistricting?
9 A I cannot recall that specifically.
10 Q And did you send those e-mails through your
11 Reinhart e-mail address?
12 A Sometimes.
13 Q And when you didn't send Mr. Ottman e-mails
14 through your Reinhart e-mail address, what e-mail
15 address did you use?
16 A My personal.
17 Q Okay. And I'm not going to ask you for the e-mail
18 address itself, but is it a Gmail? Is it a Yahoo!
19 mail, Hotmail? Who is the service provider?
20 A It's a dot MSN.
21 Q MSN. Okay. And so you did communicate with
22 Mr. Ottman about redistricting through your
23 dot MSN e-mail address, correct?
24 A Yes.
25 Q Do you recall how many times you communicated with

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1 redistricting?
2 A No.
3 Q Did you ever communicate with Mr. Foltz about
4 redistricting by text messaging or instant
5 messaging?
6 MR. KELLY: Objection. Prior to
7 November 22?
8 Q Prior to November 22.
9 A Yes.
10 Q How did you communicate with Mr. Foltz -- strike
11 that question.
12 Did you communicate with Mr. Foltz by text
13 messaging?
14 A Yes.
15 Q How often did you text Mr. Foltz about
16 redistricting matters?
17 A Oh, I cannot recall that specifically.
18 Q You were using a cell phone when you were texting;
19 is that correct?
20 A Yes.
21 Q And was that a cell phone that was issued to you
22 by the Reinhart law firm?
23 A Yes.
24 Q Is that a cell phone that you still have?
25 A Yes.

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1 Q Did you retain any of the texts that you sent to
2 Mr. Foltz?
3 A I don't -- I don't believe so.
4 Q Did Mr. Foltz text back to you as well?
5 A I believe so.
6 Q Did you communicate with Mr. Foltz by instant
7 messaging?
8 A Not that I can recall.
9 Q Did you communicate with Jeff Fitzgerald
10 personally as opposed to through one of the
11 members of his staff? Did you communicate with
12 Jeff Fitzgerald personally by e-mail about
13 redistricting matters?
14 MR. KELLY: Objection. Time frame?
15 Q Before November 22, 2011.
16 A No.
17 Q Did you communicate with Jeff Fitzgerald by e-mail
18 or text messaging before November 22, 2011 about
19 redistricting matters?
20 A No.
21 Q Did you speak by telephone with Jeff Fitzgerald
22 before November 22, 2011 about redistricting
23 matters?
24 A No.
25 Q I'm going ask the same questions with respect to

1 brought up before the legislature.
2 Q That's when they would have occurred?
3 A Yes.
4 Q Okay. Did you speak with Jeff and
5 Scott Fitzgerald individually, or were they
6 together?
7 A Together.
8 Q How many times did you meet with them outside of
9 Michael Best & Friedrich's offices to talk about
10 redistricting?
11 A Once.
12 Q Was it before or after the time that the bills
13 were passed into law?
14 A During.
15 Q It was during, during the session where they were
16 actually passed. So you were present when the
17 legislature was voting on those bills?
18 A Yes.
19 Q And what did you say to them about, about the
20 redistricting process?
21 A Specifically, I don't recall.
22 Q Do you recall generally what was said, what you
23 said?
24 A Generally I said *I'm here if you have any*
25 *technical questions that come up that I can help*

1 Scott Fitzgerald. Before November 22, 2011, did
2 you communicate with Scott Fitzgerald by telephone
3 about redistricting matters?
4 A No.
5 Q Did you communicate -- in that same time frame,
6 did you communicate with Scott Fitzgerald by text
7 messaging or instant messaging about redistricting
8 matters?
9 A No.
10 Q Did you have any conversations with either
11 Jeff Fitzgerald or Scott Fitzgerald before
12 November 22, 2011 about redistricting matters in
13 person?
14 A Yes.
15 Q All right. Did any of those conversations occur
16 outside of Michael Best & Friedrich's offices?
17 A Yes.
18 Q What was the nature of those conversations?
19 MR. MCLEOD: Object to the form of
20 the question. To the extent you can answer,
21 please do so.
22 A I can't -- I can't recall that specifically.
23 Q Okay. Generally can you recall what you
24 discussed?
25 A They were the dates at which the bills were being

1 with.
2 Q And did they say anything to you generally?
3 A No.
4 Q Did you -- did you communicate at all with
5 Robin Vos outside of Michael Best & Friedrich's
6 offices to discuss redistricting?
7 MR. KELLY: Objection. Prior to
8 November 22?
9 Q Prior to November 22.
10 A Not that I recall.
11 Q All right. Did you speak with Robin Vos at all by
12 telephone about redistricting before November 22,
13 2011?
14 A Not that I recall.
15 Q What about -- strike that.
16 Did you communicate with Robin Vos about
17 redistricting matters for November 22 by text
18 messaging or instant messaging?
19 A Not that I recall.
20 Q Before November 22, 2011, did you communicate with
21 Rich Zipperer about redistricting matters by
22 telephone, e-mail, instant messaging, or text
23 messaging?
24 A Yes.
25 Q All right. What method did you communicate with

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1 Rich Zipperer by?
 2 A E-mail.
 3 Q Okay. When did you and Rich Zipperer communicate
 4 by e-mail about redistricting matters?
 5 A I can't recall that specific.
 6 Q Do you recall how often you e-mailed to discuss
 7 redistricting matters?
 8 A Not specifically, no.
 9 Q Would that again have been from both your dot MSN
 10 account and your Reinhart account?
 11 A I don't recall.
 12 Q Do you recall generally the nature of the
 13 discussions or the e-mail correspondence?
 14 A Yes.
 15 Q And what was that?
 16 A He was conducting a hearing on Act 43 and had a
 17 couple of questions.
 18 Q What were the questions that he had?
 19 A I don't recall specifically.
 20 Q Did you have answers for him at that time?
 21 A My recollection is that his questions were of the
 22 type of things that legal counsel would have to
 23 answer.
 24 Q Okay. Did you --
 25 A So I -- no, I did not have answers for him.

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1 A Yes.
 2 Q Did you speak with Mr. Gaddie by telephone at all
 3 before November 22 about redistricting matters?
 4 A Yes.
 5 Q All right. How often did you speak with
 6 Mr. Gaddie by phone?
 7 A I can't give you a specific number.
 8 Q Was it just a few times? Was it 15, 20, 30?
 9 Could you give me an estimate?
 10 A Just a few.
 11 Q A few times. All right. How long were the
 12 conversations that you had with -- I should call
 13 him Professor Gaddie?
 14 A I can't remember specifically, but they were
 15 short.
 16 Q Generally what did you discuss with
 17 Professor Gaddie?
 18 A When I was going to pick him up at the airport,
 19 how long he would be staying, logistics.
 20 Q How many times did he fly in from Oklahoma to
 21 Madison to work on redistricting?
 22 A I can't remember specifically.
 23 Q Was it a handful of times, more than ten?
 24 A Roughly less than a handful.
 25 Q Okay. Can you ballpark it? Less than five?

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1 Q Okay. So you did not send Mr. Vos answers to --
 2 I'm sorry, Mr. Zipperer answers to the questions
 3 that he posed to you by e-mail?
 4 A I responded.
 5 Q Okay. But you didn't have answers?
 6 A I did not provide answers.
 7 Q All right. Did you forward Mr. Zipperer's e-mail
 8 to anyone else to answer his questions?
 9 A I don't -- I don't recall.
 10 Q What about Mr. Gaddie; did you have
 11 conversations -- this is before November 22. Did
 12 you have conversations with Mr. Gaddie outside of
 13 Michael Best & Friedrich's offices with respect to
 14 redistricting?
 15 A Yes.
 16 Q Okay. Did you meet with Mr. Gaddie in person to
 17 talk about redistricting before November 22?
 18 A Yes.
 19 Q All right. And did any of those meetings occur
 20 outside of Michael Best & Friedrich's offices?
 21 A No.
 22 Q So every time that you met with Mr. Gaddie before
 23 November 22 for the purpose of the redistricting
 24 plan it was always at Michael Best's offices; is
 25 that correct?

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1 A Less than five.
 2 Q When Professor Gaddie came into Madison to work on
 3 redistricting, how long did he stay?
 4 A I believe it varied.
 5 Q What was the shortest stay that he had?
 6 A My recollection is a day and a half.
 7 Q How about what was the longest stay?
 8 A My recollection is three days.
 9 Q When he was at Michael Best & Friedrich with you
 10 working on redistricting, did Mr. Gaddie direct
 11 the preparation of any maps?
 12 A No.
 13 Q Did he give input on any maps that anyone drew?
 14 A No.
 15 Q What was his role in the redistricting process?
 16 A His role was to assist legal counsel in their
 17 advice of the legislature on drawing
 18 reapportionment plans and was reflective in
 19 nature.
 20 Q Okay. What did you see him physically doing when
 21 he was present at Michael Best & Friedrich's
 22 offices?
 23 A He physically was engaging in numbers.
 24 Q Okay. Was he sitting at a computer engaging in
 25 numbers?

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1 A No.
 2 Q So what was he doing engaging in numbers?
 3 A More specifically, I can't recall because I --
 4 that's -- I didn't fully -- never knew what he was
 5 doing.
 6 Q Okay.
 7 A So --
 8 Q All right. You didn't participate in any
 9 calculations with Professor Gaddie?
 10 A No.
 11 Q Did you observe him talking to anyone else who was
 12 also present at Michael Best & Friedrich?
 13 A Yes.
 14 Q Who was he speaking with?
 15 A Legal counsel.
 16 Q Mr. McLeod?
 17 A Yes, I have a recollection of him speaking to
 18 Mr. McLeod.
 19 Q Mr. Troupis?
 20 A I have a recollection of him speaking with
 21 Mr. Troupis.
 22 Q Sarah Troupis?
 23 A I do not have a recollection of him speaking with
 24 Sarah Troupis.
 25 Q Ray Taffora?

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1 Q Did you -- did you do any work in the
 2 redistricting process with respect to the
 3 Voting Rights Act?
 4 A Yes.
 5 Q What work did you do with respect to the
 6 Voting Rights Act?
 7 A I drew maps that included districts in
 8 Milwaukee County.
 9 Q Were those Assembly Districts 8 and 9?
 10 A That includes Assembly Districts 8 and 9.
 11 Q Okay. So you drew assembly districts in
 12 Milwaukee County generally?
 13 A Yes.
 14 Q Did anyone else participate in drawing the
 15 assembly districts in Milwaukee County?
 16 A Yes.
 17 Q Who else participated in that process?
 18 A Adam and Tad also drew.
 19 Q They also drew assembly districts in
 20 Milwaukee County?
 21 A Yes.
 22 Q Okay. Did the three of you work together to draw
 23 assembly districts in Milwaukee County, or were
 24 you drawing them separately?
 25 A We did not draw them together.

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1 A I do not have a recollection of him just talking
 2 with Ray Taffora.
 3 Q Okay. Any other legal -- any counsel, legal
 4 counsel other than Mr. McLeod or Mr. Troupis that
 5 you saw Professor Gaddie speaking with?
 6 A Not to my best recollection.
 7 Q Did you see him, Professor Gaddie, speaking with
 8 any non-lawyers?
 9 A Yes.
 10 Q Who was he speaking with who -- people who were
 11 not lawyers?
 12 A Tad.
 13 Q Okay.
 14 A Adam.
 15 Q So Mr. Ottman and Mr. Foltz?
 16 A Yes.
 17 Q Okay. Anyone else?
 18 A Not that I can recall.
 19 Q Do you know what Professor Gaddie was speaking
 20 about with Mr. McLeod and Mr. Troupis?
 21 A Yes.
 22 Q Okay. What were they speaking about?
 23 A The Voting Rights Act.
 24 Q Okay. What was the nature of those conversations?
 25 A I do not know. I was not part of those.

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1 Q All right. When you drew assembly districts in
 2 Milwaukee County, did you use autoBound software
 3 to do that?
 4 A Yes.
 5 Q So that was drawn on a computer as opposed to
 6 being drawn on a piece of paper?
 7 A Correct.
 8 Q Did you ever physically draw districts in
 9 Milwaukee County on a piece of paper?
 10 A No.
 11 Q What about Mr. Foltz and Mr. Ottman; did they use
 12 the autoBound software as well to draw assembly
 13 districts in Milwaukee County?
 14 A That's my understanding.
 15 Q Did you ever see them doing that, going through
 16 that process of drawing with autoBound?
 17 A Yes.
 18 Q And did you see the maps that they drew for the
 19 assembly districts in Milwaukee County?
 20 A Yes.
 21 Q Did you give them any feedback on the maps that
 22 they drew in Milwaukee County?
 23 A No.
 24 Q Were the assembly districts that you drew in
 25 Milwaukee County different than the ones that

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1 Mr. Foltz and Mr. Ottman drew?
 2 A Yes.
 3 Q All right. Did you compare between the two sets
 4 of assembly districts that were drawn?
 5 A Did we?
 6 Q Yes, you and Mr. Foltz and Mr. Ottman.
 7 A Yes.
 8 Q All right. And what was the nature of the
 9 comparison that was being made?
 10 A That was when that -- those were then presented to
 11 the leaders that we discussed earlier as that
 12 region.
 13 Q Okay. So these are the options that were then
 14 presented to, to -- I've got my list here
 15 somewhere -- that were presented to
 16 Jeff Fitzgerald and Scott Fitzgerald and then
 17 Robin Vos; is that correct?
 18 A Yes.
 19 Q And did Rich Zipperer have, have a say also in the
 20 options that were presented?
 21 A I don't understand your question.
 22 Q You talked about options that were presented,
 23 right, and they were presented to the legislative
 24 leaders who were there. And so I was wondering
 25 whether in terms of giving input into the options

1 that were presented whether, whether that was done
 2 for decisions by Jeff and Scott Fitzgerald and
 3 Robin Vos or whether Rich Zipperer also had a say.
 4 A He did not have a say in any of those options that
 5 were presented.
 6 Q Were the Milwaukee -- the assembly districts that
 7 you draw in Milwaukee County, that was one region
 8 then that was being considered; is that correct?
 9 A Yes.
 10 Q Who made the final decision with respect to which
 11 assembly districts were, were used in Act 43?
 12 MR. MCLEOD: Object to the form of
 13 the question. I think it's vague and
 14 ambiguous. To the extent you can answer the
 15 question, please do so.
 16 A The state legislature.
 17 Q Okay. Did -- was there a selection made by any of
 18 the legislatures who were present at
 19 Michael Best & Friedrich's offices about which
 20 assembly districts in Milwaukee County would be
 21 the ones included in Act 43?
 22 A Can you please restate that question?
 23 MR. POLAND: Can you read it?
 24 (Question read)
 25 A I don't believe so.

1 Q Do you know, was there -- do you know who decided
 2 selecting from the various options that were
 3 presented at Michael Best's offices which ones
 4 would be included in Act 43?
 5 A I believe they deferred to their legal counsel.
 6 MR. POLAND: Okay. Do you want to
 7 take a break now?
 8 MR. MCLEOD: Sure.
 9 (Lunch Recess)
 10 Q Mr. Handrick, we just had a lunch break. During
 11 the lunch break did you talk to anybody about the
 12 redistricting process or about the redistricting
 13 litigation?
 14 A No.
 15 Q You didn't. Okay. I'm going to try to do
 16 something here to speed things up a little bit for
 17 at least some of us present. There are different
 18 claims that pertain to Act 43 and 44 that are at
 19 issue in this lawsuit. Do you understand that?
 20 A Yes.
 21 Q There are some challenges to Act 43 and then to
 22 Act 44. Do you understand that?
 23 A Yes.
 24 Q All right. And Act 44 is the congressional
 25 districts, correct?

1 A Yes.
 2 Q All right. Did you have anything to do with the
 3 drawing districts for the congressional districts
 4 for Act 44?
 5 A No.
 6 Q I'd like you to take a look at Exhibit 10, please,
 7 which are the Rule 26 disclosures. And I'd like
 8 you to turn to page 5, which is paragraph 10. We
 9 talked about this one a little bit before, but I
 10 want to go back specifically and ask you with
 11 respect to Act 44. If you flip the page over to
 12 page 6, you'll see that your name is identified in
 13 conjunction with the answer to paragraph 10. Do
 14 you see that?
 15 A Yes.
 16 Q All right. Do you see also then in paragraph 10
 17 it refers to state and congressional districts as
 18 memorialized in Acts 43 and 44; do you see that?
 19 A Yes.
 20 Q All right. Did you have anything to do with the
 21 determining the appropriate constitutional
 22 boundaries for the congressional districts as
 23 memorialized in Act 44?
 24 A No.
 25 Q Then we had gone over the same paragraphs earlier

1 today as well, the following paragraphs, 11, 12,
 2 13, 14, 15, 16, and 17 where your name also
 3 appears. And did you do anything with respect to
 4 the congressional districts or Act 44 with respect
 5 to the items that are identified in those
 6 paragraphs? You can take a minute to look through
 7 if you want.
 8 A That's 11 through --
 9 Q 11 through 17.
 10 A No.
 11 Q Do you know who -- do you know who did? Do you
 12 know who was involved in drawing the redistricting
 13 plans for the congressional districts?
 14 A No.
 15 Q Did you have any conversations with anyone about
 16 the drawing of the districts, the congressional
 17 districts for Act 44?
 18 A Yes.
 19 Q Who did you speak with about that?
 20 A Tad Ottman.
 21 Q When did you speak with Mr. Ottman about the
 22 congressional districts?
 23 A I can't remember the particular date.
 24 Q Was it before or after the Act 44 was passed by
 25 the legislature?

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1 A That would have been before.
 2 Q What was the nature of the conversations that you
 3 had with Mr. Ottman about congressional districts?
 4 A The nature of it was I read in the
 5 Milwaukee Journal that the congressmen had agreed
 6 to a plan.
 7 Q Okay. And you made that comment to Mr. Ottman?
 8 A I -- we had a discussion whether or not he saw the
 9 same thing.
 10 Q Okay. And what was Mr. Ottman's response to that?
 11 A He -- he had.
 12 Q Okay. Did he -- did Mr. Ottman indicate to you
 13 that he participated in the drawing of the
 14 congressional districts?
 15 A No.
 16 Q Did Mr. Ottman identify anyone who had
 17 participated in determining what the boundaries
 18 should be for the congressional districts?
 19 A No.
 20 Q And other than Mr. Ottman, did you ever have any
 21 communications with anyone else about, about
 22 drawing the congressional districts in Act 44?
 23 A None that I recall.
 24 MR. POLAND: Let's go off the
 25 record just a second.

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1 (Discussion off the record)
 2 Q Mr. Handrick, looking at that document that's in
 3 front of you still -- and that's Exhibit No. 10 --
 4 I'd like to draw your attention to page 12 of that
 5 document. And you'll see a heading B there that
 6 says *Potentially relevant documents*. Do you see
 7 that?
 8 A Yes.
 9 Q And if you jump down to the very last one that's
 10 identified, paragraph No. 7, it states -- well, to
 11 read the introductory part of that it says
 12 "Defendants may use the following documents to
 13 support their defenses in this matter." I'm going
 14 to jump down to No. 7, which says "Expert reports
 15 and analysis, if any, in the possession of the
 16 Legislature, and/or its various bodies, that were
 17 utilized to draft the 2011 legislative maps at
 18 issue." Do you see that language?
 19 A Yes.
 20 Q All right. Did you prepare any reports or
 21 analysis that were provided to the legislature or
 22 members of the legislature as part of your work in
 23 redistricting?
 24 A No.
 25 Q Did you -- did you prepare any reports generally

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1 as part of your work on legislative redistricting
 2 in 2011?
 3 MR. MCLEOD: Can I have the
 4 question read back, please.
 5 (Question read)
 6 A No.
 7 Q Did you prepare any analysis as part of your work
 8 in the 2011 legislative redistricting?
 9 A Yes.
 10 Q Do you -- who did you prepare that for -- or
 11 strike that question.
 12 Who did you provide with that analysis?
 13 A That would have been provided to Tad and/or Adam.
 14 Q And did you provide it to them when you were
 15 working together at Michael Best & Friedrich's
 16 offices?
 17 A Yes.
 18 Q Did you ever provide them with any analysis
 19 outside of Michael Best & Friedrich's offices?
 20 A No.
 21 Q Was the analysis that you gave to them in written
 22 form, electronic form? Was it verbal?
 23 A It would have been written.
 24 Q What was the nature of the written analysis that
 25 you provided to Mr. Ottman and Mr. Foltz?

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1 A I would have provided them something like this
 2 (indicating).
 3 Q Okay. So now *this* is part of Exhibit No. 2,
 4 correct?
 5 A I believe so, yes.
 6 Q I think it is part of Exhibit 2. And these were
 7 your handwritten notes?
 8 COURT REPORTER: Is that a yes or
 9 no?
 10 A Yes.
 11 Q I'm sorry. That's right. I should remember --
 12 remind you to answer audibly. Okay.
 13 What is -- what's represented in these
 14 handwritten notes that are part of Exhibit 1?
 15 A This is for a map, a listing of MCD, ASM splits.
 16 Q Okay. And what are ACD -- I'm sorry, MCD, ASM
 17 splits?
 18 A MCD stands for minor civil division. ASM is an
 19 abbreviation for assembly.
 20 Q Okay. What is minor civil division? What's the
 21 meaning of that term?
 22 A That would be a town, a village, or a city.
 23 Q Okay. And so there are -- is this a listing then
 24 of the counties in Wisconsin?
 25 A Yes, this is a listing of the counties.

1 correct?
 2 A Correct.
 3 Q Okay. And do you know what the Calumet after the
 4 FDL equals zero signifies?
 5 A Calumet is a town within Fond du Lac County.
 6 Q Okay. And why was that written down there?
 7 A Because to the left there's a 1.
 8 Q Okay.
 9 A And that would be the 1 within FDL.
 10 Q Okay. So what does the zero then signify next to
 11 it?
 12 A I believe that that zero was then crossed out.
 13 Q Oh, I see. Okay. That's not like a computer zero
 14 where you put a line through it. Okay. All
 15 right.
 16 What about below that? Now, there's an
 17 Adams, and it says Adams equals zero, but it's got
 18 that same line through it.
 19 A That would indicate within Adams County there were
 20 no municipalities on this map that I could see
 21 that were split.
 22 Q Okay. So if we've got -- for example, we've got
 23 Ashland, Bayfield, Burnett, Barron. Those all
 24 have zeros next to them, so there were no
 25 municipalities split in those counties, according

1 Q And let's -- so I understand this, up at the top
 2 in the left-hand corner, it looks like -- is that
 3 EDL at the very top?
 4 A It looks to me to be FDL.
 5 Q That's an FDL. Okay. And what does the FDL stand
 6 for?
 7 A Fond du Lac.
 8 Q Got it. Okay. And then there's an equal sign
 9 next to Fond -- the FDL, correct?
 10 A Yes.
 11 Q It says equal zero; is that correct?
 12 A Correct.
 13 Q And then does it say Calumet after that?
 14 A Yes.
 15 Q All right. So what does the FDL equal zero
 16 signify?
 17 A For all the other counties it appears that if
 18 there was no municipality split, the zero meant
 19 there were no municipalities within that county
 20 split.
 21 Q And that would be -- would that be both minor
 22 civil divisions and -- or I'm sorry. Strike that
 23 question.
 24 And so that means even municipalities
 25 regardless of size that would be split; is that

1 to the map that this pertains to?
 2 A That's my understanding, yes.
 3 Q Up in the right-hand corner it appears there is
 4 a -- it looks like a 58 scratched out and 57.
 5 What's the significance of that 57?
 6 A I can't state for certain, but it appears to be
 7 the number of municipalities that are listed added
 8 together.
 9 Q Okay. And that would be the municipalities that
 10 were split?
 11 A Yes.
 12 Q Okay. So if we go to Brown County, we've got
 13 four municipalities split, Green Bay, Howard,
 14 De Pere, and I can't quite make out the last one.
 15 Can you read that one?
 16 A I believe it says Ledgeview.
 17 Q Ledgeview. Okay. So with this map that this
 18 pertains to, there was a split in those
 19 municipalities; they were split among different
 20 assembly districts?
 21 A Correct.
 22 Q All right. And then for Calumet County, there was
 23 one split, and that is Menasha; is that right?
 24 A Menasha city.
 25 Q Menasha city. Okay. And for Dane County there

1 were nine splits, correct?
 2 A Correct.
 3 Q And that was the -- those splits were among the
 4 municipalities that are listed, correct?
 5 A Correct.
 6 Q And so we could go through and follow those
 7 through. In each place where there's a number on
 8 the left, it signifies the number of
 9 municipalities split, and then you've written down
 10 which municipalities those were, correct?
 11 A Correct.
 12 Q Is there any way that you can tell what particular
 13 map this pertained to?
 14 A No, there's not.
 15 Q So this, this is a report or this is an analysis I
 16 should say that, that you created, correct, and
 17 that you gave to Mr. Ottman and to Mr. Foltz?
 18 A Correct.
 19 Q What was the purpose of giving this particular
 20 analysis to Mr. Ottman and Mr. Foltz?
 21 A I did not have the ability to run reports, so I
 22 would do my own.
 23 Q Okay. In handwritten form?
 24 A Yes.
 25 Q All right. And when you say you didn't have the

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1 A No, I don't.
 2 Q Any idea whether it's a handful, a dozen, a couple
 3 dozen?
 4 A I would roughly say a couple dozen.
 5 Q Do you know what happened to those printed
 6 reports, whether they were retained or whether
 7 they were given to anyone?
 8 A No, I don't.
 9 Q But you didn't retain them yourself; you didn't
 10 take them out of Michael Best's offices and retain
 11 them?
 12 A That's correct.
 13 Q Do you know -- and I'm just asking for your own
 14 personal knowledge. Do you know whether any of
 15 those reports were given to any members of the
 16 legislature?
 17 A I do not know that.
 18 Q What other types of reports did you ask Mr. Ottman
 19 and Mr. Foltz to print for you?
 20 A Primarily population report.
 21 Q And what would a population report consist of?
 22 The one with the red --
 23 A A population report would show a district number,
 24 the total number of persons, the target
 25 population, the deviation percent, the difference,

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1 ability to run reports, is there a particular
 2 software program or application that reports can
 3 be run in with this kind of information?
 4 A I believe autoBound can run a report.
 5 Q All right. Why did you not have the ability to
 6 run reports in autoBound?
 7 A I never learned how to run any reports off of the
 8 software.
 9 Q So you could operate the autoBound software for
 10 the purpose of drawing districts, but you didn't
 11 have the technical training to be able to print
 12 the reports?
 13 A That's correct.
 14 Q If you wanted to have a report printed while you
 15 were doing the redistricting work at
 16 Michael Best's offices, did you typically ask
 17 Mr. Ottman or Mr. Foltz to run a report for you?
 18 A Yes.
 19 Q All right. Did they then give the reports to you
 20 in a printed format, or did you look at them on a
 21 computer screen?
 22 A Printed.
 23 Q Do you know approximately how many printed reports
 24 you would have created as part of the
 25 redistricting process?

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1 and four -- the four categories on the right side.
 2 Q Okay. And so that's -- that's -- the columns are
 3 *Black, Hispanic, Black 18 percent,*
 4 *Hispanic 18 percent;* is that correct?
 5 A Yes.
 6 Q So this -- the document that you're holding that
 7 we marked as Exhibit 2A, I believe, that is an
 8 example of a population report printed from
 9 autoBound?
 10 A Yes.
 11 Q All right. What is the -- what is the column --
 12 or what do the columns *Black* and *Hispanic* signify
 13 in Exhibit 2A?
 14 A My understanding is the *Black* column represents
 15 the total number of African-American residents in,
 16 in that column.
 17 Q Okay.
 18 A I do not know precisely what the *Hispanic* category
 19 to which that refers.
 20 Q And what about the columns that follow
 21 *Black 18 percent, Hispanic 18 percent;* what does
 22 that signify?
 23 A *Black 18 percent*, as I understand it, is the -- of
 24 the people that are over 18 years of age, what
 25 percent are African-American.

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1 Q So that would be the voting age population?
2 A Yes.
3 Q And does that hold true as well with the
4 *Hispanic 18 percent* column?
5 A Yes.
6 Q What was the purpose of having that data on a
7 population report printed from autoBound?
8 A I believe that was the standard way in which those
9 reports were produced.
10 Q It would format it automatically to print in that
11 way?
12 A That's my understanding, yes.
13 Q Did you have -- did you ask Mr. Foltz or
14 Mr. Ottman to print additional population reports
15 for you as you went through the redistricting
16 process between February and in the time that the
17 act was passed?
18 A Yes.
19 Q Did you ask that data other than categories of
20 data -- other than the data that's reflected in
21 Exhibit 2A be included in any of the reports that
22 were printed?
23 A No.
24 Q So they all contained the same data -- well,
25 strike that question.

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1 They all contained the same kind of data, the
2 same headings and the columns as with Exhibit 2A?
3 A That's correct.
4 Q What use did you make of the population reports
5 when they were printed for you?
6 A One use is at the bottom of page 2. It says
7 *Unassigned*. If there were blocks or people
8 unassigned, they would show up there.
9 Q And so the unassigned, would that have been --
10 would that have been census blocks that were
11 unassigned to a district that would show up there?
12 A Could be.
13 Q What other -- what other kinds of categories would
14 show up as unassigned?
15 A It could be any level of geography that is
16 unassigned.
17 Q Okay. So it could be a ward boundary if wards
18 were being used; is that correct?
19 A Not a boundary.
20 Q I'm sorry. What would it be with respect to a
21 ward; what would it be?
22 A If there was any unit of geography that was not
23 assigned, the number of people in that unit of
24 geography would appear at the bottom.
25 Q I see. Okay. I got you. Would -- strike that

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1 question.
2 The level of geography that was being used
3 for the redistricting process was census blocks,
4 correct?
5 A Depends.
6 Q All right. Were there other units of geography or
7 levels of geography being used for redistricting
8 in 2011 other than census blocks?
9 A Yes.
10 Q What other levels of geography were used?
11 A Counties, municipalities.
12 Q Anything else?
13 A No.
14 Q Other than the population reports, were there any
15 other kinds of reports that you asked to be
16 created for you, printed for you as part of the
17 redistricting process?
18 A Yes.
19 Q What other kinds of reports did you ask to be
20 created or printed?
21 A I would ask for a splits report to be created.
22 Q And what is a splits report?
23 A It's a report that would indicate municipalities
24 and/or counties that are divided between one or
25 more legislative districts.

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1 Q And so that was the -- the handwritten example
2 that you showed us before from Exhibit 2, would
3 that be a handwritten example of what would then
4 be reflected in the splits report?
5 A Yes.
6 Q Did a splits report -- strike that question.
7 Were splits reports generated from autoBound?
8 A As far as I know, yes.
9 Q Did splits reports reflect any information other
10 than what was reflected in the handwritten notes
11 included with Exhibit 2?
12 A I would -- I would have to compare that
13 appropriate splits report to the handwritten
14 equivalent.
15 Q Okay. Did you have splits reports actually
16 printed for you by Mr. Foltz and Mr. Ottman?
17 A Yes.
18 Q All right. So you -- that was done over at
19 Michael Best & Friedrich's offices?
20 A Yes.
21 Q And you did not retain any copies of those
22 reports, correct?
23 A That is correct.
24 Q What were splits reports used for?
25 A As I would prepare this handwritten splits report,

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1 I would then use the splits report to compare it
 2 to the handwritten version to see if the computer
 3 identified splits that I was not aware of.
 4 Q And once you had the information that there were
 5 splits, what did you do with that information?
 6 A If there were discrepancies, I would seek to find
 7 those splits that I was not aware of.
 8 Q And then what would you do with respect to splits
 9 that you found that you hadn't been aware of?
 10 A I would go and find those and try to identify the
 11 reason the computer was identifying them.
 12 Q Identifying them as being split? Okay. You have
 13 to answer audibly.
 14 A Yes.
 15 Q And then if you found that -- if you found the
 16 reason that the computer had identified them as
 17 being split, what did you do with that
 18 information?
 19 A If the computer identified it as being split and I
 20 wasn't aware that it was split, that indicated
 21 that there was just a technical provision in the
 22 map that then -- that was not intended, so I would
 23 go in and find that municipality and find the
 24 source of the split and correct it.
 25 Q Meaning you'd try to keep the municipality from

1 being split?
 2 A Yes.
 3 Q Did that happen very often, that the computer had
 4 some kind of a technical issue that you had to go
 5 back and correct the split?
 6 A No.
 7 Q Any idea how many times that happened during the
 8 2011 redistricting process?
 9 A Not precisely, no.
 10 Q If you could set that back down, set that aside.
 11 Mr. Ottman, just before we broke for lunch we
 12 were talking about conversations that you had with
 13 some of the people who were not lawyers when you
 14 were working over at Michael Best & Friedrich on
 15 the redistricting earlier this year. I want to go
 16 back, and I want to ask you some questions about
 17 the lawyers that you were working with when you
 18 were there.
 19 You mentioned before that Jim Troupis,
 20 Sarah Troupis, Eric McLeod, and Ray Taffora all
 21 were over at Michael Best, not saying at the same
 22 time, but at various times during your work there
 23 and that you were, you were present at the same
 24 time they were present, correct?
 25 A Yes.

1 Q All right. With respect to Jim Troupis, did you
 2 work directly with Mr. Troupis in developing the
 3 maps that would become 2011 Wisconsin Act 43?
 4 A No.
 5 Q What was Mr. Troupis's role at Michael Best &
 6 Friedrich during the redistricting process that
 7 you went through in the Michael Best & Friedrich
 8 offices?
 9 A Mr. Troupis's role was the same role as
 10 Michael Best & Friedrich.
 11 Q Okay. And that was what?
 12 A My understanding is they were retained by the
 13 legislatures to give advice as to the development
 14 of redistricting plans following the 2010 census.
 15 Q All right. And in terms of drawing -- in terms of
 16 drawing maps, was Mr. Troupis present when
 17 legislative district maps were being drawn?
 18 A No.
 19 Q Did you ever observe Mr. Troupis working with
 20 Mr. Ottman or Mr. Foltz when Mr. Ottman and
 21 Mr. Foltz were in the process of drawing
 22 legislative district maps?
 23 A No.
 24 Q Was Mr. Troupis ever on the telephone with
 25 Mr. Foltz and Mr. Ottman that you observed or

1 heard when they were in the process of drawing
 2 legislative district maps?
 3 A Not that I can recall.
 4 Q Did you ever -- did you ever observe Mr. Troupis
 5 giving any direction to Mr. Foltz or Mr. Ottman
 6 with respect to the legislative districts?
 7 A No.
 8 Q Did you ever speak with Mr. Troupis by telephone
 9 about the legislative redistricting process?
 10 A Yes.
 11 Q When did you speak with Mr. Troupis about the
 12 legislative redistricting process by phone?
 13 A I can't recall.
 14 Q It was after the time that you were retained in
 15 February; is that correct?
 16 A Yes.
 17 Q What was the nature of the conversation that you
 18 had with Mr. Troupis?
 19 MR. MCLEOD: I'm going to object to
 20 the question on the grounds that it calls for
 21 attorney-client, attorney work product
 22 information, conversations between counsel
 23 and experts retained. Non-testifying expert
 24 consultants are within the scope of the
 25 privilege, and I'm going to direct the

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1 witness not to answer that question.
 2 Q Are you going to take counsel's advice and not
 3 answer the question?
 4 A Yes.
 5 Q What about text messaging, e-mail, or instant
 6 messaging with Mr. Troupis; did you ever engage in
 7 any of those with respect to redistricting?
 8 A Possibly e-mailing.
 9 Q Do you recall when you would have e-mailed
 10 Mr. Troupis about redistricting?
 11 A Not specifically, no.
 12 Q Would that have been from your Reinhart e-mail
 13 account or your dot MSN account?
 14 A It would depend where I was at the time.
 15 Q Do you have any specific recollection of sitting
 16 in your office at Reinhart and e-mailing with
 17 Mr. Troupis?
 18 A No.
 19 Q Do you have a handheld device that e-mails, a
 20 BlackBerry or an iPhone?
 21 A Yes.
 22 Q Is it a BlackBerry?
 23 A Yes.
 24 Q The e-mails that you exchanged with Mr. Troupis --
 25 strike that question.

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1 Q So no substantive discussions about the
 2 redistricting process?
 3 A That's correct.
 4 Q Did you ever send any e-mails to Sarah Troupis or
 5 receive any e-mails from her regarding the
 6 legislative redistricting process?
 7 A No.
 8 Q What about text messages or instant messaging; did
 9 you ever engage in either of those forms of
 10 communication with Sarah Troupis about
 11 redistricting?
 12 A No.
 13 Q Ray Taffora you also mentioned is a Michael Best &
 14 Friedrich attorney who was present with you at
 15 times while you were engaging in your legislative
 16 redistricting work, correct?
 17 A Yes.
 18 Q Was Mr. Taffora present with you every time that
 19 you were at Michael Best doing that work?
 20 A No.
 21 Q Can you give me any idea of the percentage of
 22 times that Mr. Taffora was present?
 23 A Under ten.
 24 Q What did you observe Mr. Taffora doing while he
 25 was, while he was present and you were working on

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1 How often did you e-mail with Mr. Troupis
 2 about legislative redistricting?
 3 A I don't recall specifically.
 4 Q How about Sarah Troupis; was she present at
 5 Michael Best's offices when Mr. Foltz and
 6 Mr. Ottman were engaging in work with maps for the
 7 new legislative districts?
 8 A Not to my knowledge.
 9 Q What was Sarah Troupis's role, as far as you could
 10 tell, in the legislative redistricting process?
 11 A I don't know.
 12 Q When she was present at the Michael Best offices
 13 and you were there as well, what did you observe
 14 her doing?
 15 A I did not observe her doing anything.
 16 Q You just saw her; she was there?
 17 A Yes.
 18 Q Did you overhear her having conversations with
 19 anyone at Michael Best?
 20 A No.
 21 Q Did you speak with her when you were both at
 22 Michael Best & Friedrich at the same time during
 23 the time that you were working on the
 24 redistricting?
 25 A Aside from pleasantries, hello and good-bye, no.

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1 legislative redistricting at Michael Best?
 2 MR. MCLEOD: Can I hear the
 3 question back again, please?
 4 (Question read)
 5 A I did not observe him doing anything.
 6 Q You simply noted that he was present; is that
 7 correct?
 8 A Yes.
 9 Q Did you ever observe Mr. Taffora speaking with
 10 Mr. Ottman or Mr. Foltz?
 11 A Yes.
 12 Q How often did you see Mr. Taffora speaking with
 13 Mr. Foltz and Mr. Ottman?
 14 A I can't recall that specifically.
 15 Q Were you able to hear the conversations that they
 16 were having?
 17 A No.
 18 Q Did you ever overhear anything Mr. Taffora was
 19 saying to Mr. Ottman or Mr. Foltz about
 20 redistricting?
 21 A Not that I can recall.
 22 Q Did Mr. Taffora ever give you any instructions
 23 about legislative redistricting?
 24 A No.
 25 Q Did you ever talk with Mr. Taffora about the

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1 legislative redistricting process?
 2 A Yes.
 3 Q What was the nature of the conversations that you
 4 had with Mr. Taffora about the legislative
 5 redistricting process?
 6 MR. MCLEOD: I'm going to assert
 7 the same objection as the one previously, and
 8 that is that it constitutes attorney-client,
 9 attorney work product because Mr. Handrick is
 10 a retained non-testifying expert. And I'll
 11 instruct him not to answer the question.
 12 Q Are you going to follow counsel's instruction and
 13 not answer the question?
 14 A Yes.
 15 Q Did you ever communicate with Mr. Taffora by
 16 e-mail about legislative redistricting?
 17 A Yes.
 18 Q How often did you communicate with Mr. Taffora by
 19 e-mail?
 20 A I don't know.
 21 Q Was it a regular thing that you and Mr. Taffora
 22 e-mailed back and forth?
 23 A No.
 24 Q Did you also communicate with Mr. Taffora by
 25 e-mail through your Reinhart and your dot MSN

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1 Q Was it more or less often than Mr. Taffora was
 2 there?
 3 A My recollection would be more.
 4 Q What did you observe Mr. McLeod doing while you
 5 were working on legislative redistricting at
 6 Michael Best?
 7 A You dropped your mike.
 8 Q Oh, thank you.
 9 A Mr. McLeod -- I observed Mr. McLeod giving me
 10 guidance and direction as to the objective
 11 redistricting criteria.
 12 Q What was the nature of the guidance and direction
 13 that Mr. McLeod gave you regarding redistricting
 14 criteria?
 15 MR. MCLEOD: I'm going to assert
 16 the same objection. It constitutes
 17 attorney-client, attorney work product
 18 communication. I'm going to instruct the
 19 witness not to answer.
 20 Q Are you going to follow counsel's instructions and
 21 not answer the question?
 22 A Yes.
 23 Q Did you observe Mr. McLeod speaking with
 24 Mr. Ottman and Mr. Foltz about redistricting
 25 matters?

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1 accounts?
 2 A Yes.
 3 Q Did you ever text message or instant message
 4 Mr. Taffora regarding legislative redistricting?
 5 A Not that I recall.
 6 Q What was the nature of the e-mail communications
 7 that you had with Mr. Taffora about legislative
 8 redistricting?
 9 MR. MCLEOD: I'm going to assert
 10 the same objection. It constitutes
 11 attorney-client, attorney work product
 12 information. I'm going to instruct the
 13 witness not to answer.
 14 Q And you're going to follow counsel's instruction
 15 not to answer the question?
 16 A Yes.
 17 Q And then the other lawyer that you had mentioned
 18 is Mr. McLeod. He was present as well during the
 19 time that you were working on legislative
 20 redistricting at Michael Best?
 21 A Yes.
 22 Q Did you have -- strike that question.
 23 How often was Mr. McLeod present while you
 24 were working at Michael Best's offices?
 25 A I can't recall specifically.

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1 A Yes.
 2 Q Were you able to hear what Mr. McLeod was saying
 3 to Mr. Foltz and Mr. Ottman?
 4 A Not that I recall.
 5 Q All right. Do you know whether Mr. McLeod was
 6 giving direction to Mr. Foltz and Mr. Ottman about
 7 drawing legislative district boundaries?
 8 A I would have -- I would not know that, no.
 9 Q Did you communicate with Mr. McLeod by e-mail
 10 regarding legislative redistricting matters?
 11 A Yes.
 12 Q How often did you communicate with Mr. McLeod by
 13 e-mail?
 14 A I can't recall specifically.
 15 Q Was it frequent?
 16 A No.
 17 Q Would it be perhaps on the order of weekly?
 18 A No.
 19 Q Less often than weekly?
 20 A Yes.
 21 Q And when you did communicate with Mr. McLeod by
 22 e-mail, was that again through your Reinhart
 23 e-mail account and your dot MSN account?
 24 A My recollection is that would have only been
 25 through the Reinhart e-mail account.

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1 Q What was the nature of the communications that you
2 and Mr. McLeod had by e-mail regarding legislative
3 redistricting?
4 MR. MCLEOD: I'm going to assert
5 the same objection. It's attorney-client,
6 attorney work product information. And I'll
7 instruct the witness not to answer.
8 MR. EARLE: Doug, this is
9 Peter Earle on the line.
10 MR. POLAND: Yes, Peter.
11 MR. EARLE: Are you aware that the
12 Court just issued an order a few seconds ago?
13 MR. POLAND: No, I wasn't.
14 MR. EARLE: With regards to the
15 issues of attorney-client privilege and
16 perhaps -- I've not had a chance to review
17 it, but it may be pertinent to the -- some of
18 the objections that are being asserted here.
19 MR. POLAND: Okay. I haven't had
20 the opportunity to look at it either. Let me
21 just finish up two more questions. Then
22 we'll take a break here for the changing of
23 the videotape.
24 Did you -- I'm sorry. Can you read back
25 the last question and answer?

1 (Question read)
2 MR. POLAND: Okay. Did I ask him
3 if he's going to follow counsel's
4 instruction?
5 Q Are you going to follow counsel's instruction and
6 not answer the question?
7 A Yes.
8 Q Did you ever text message with Mr. McLeod
9 regarding legislative redistricting?
10 A Not that I recall.
11 Q Did you ever instant message with Mr. McLeod
12 regarding legislative redistricting?
13 A Not that I recall.
14 MR. POLAND: All right. Let's take
15 a break. Then we can change the tape.
16 (Recess)
17 MR. MCLEOD: This is Eric McLeod.
18 While we were off the record we discussed a
19 decision from Judge Stadtmiller concerning a
20 motion for clarification that the non-parties
21 I represent have filed in relation to the
22 prior motion to quash and the Court's order
23 on that motion.
24 We have agreed off the record that we
25 will proceed as we had prior to this order

1 being issued today. We will assert relevant
2 objections we think are appropriate
3 concerning attorney-client, attorney work
4 product privileges and may instruct the
5 witness not to answer on those grounds with
6 the assumption that we will be pursuing an
7 appeal of Judge Stadtmiller's orders
8 concerning attorney-client, attorney work
9 product privilege and that we'll do so by the
10 end of this week.
11 And if there is no action from an
12 appellate court or other court that would
13 result in a stay of any further deposition of
14 Mr. Handrick or reversal of this order in a
15 way that changes the issues here, that -- and
16 if that does not occur by the end of next
17 week, which I believe would be the 20 -- the
18 30th of -- the Friday of next week, which I
19 believe is the 30th of December, that we
20 would make Mr. Handrick available during the
21 following week after the new year for a
22 continuation of his deposition.
23 And obviously if for any reason we
24 refuse to do that under the circumstances, we
25 would acknowledge that the other parties

1 could move to compel as they deem
2 appropriate.
3 MR. POLAND: We're in agreement.
4 MR. MCLEOD: Okay. Thank you.
5 Peter, do we have your agreement too?
6 MR. EARLE: Yes, we do. I'm sorry.
7 MR. MCLEOD: And Scott?
8 MR. HASSETT: Yes.
9 (Exhibit Nos. 14 and 15 marked for
10 identification)
11 Q Mr. Handrick, I'm going to hand you two documents
12 that the court reporter has marked as Exhibits 14
13 and 15. This is going to be 14 (indicating).
14 This is 15 (indicating).
15 On Exhibit No. 14, Mr. Handrick, this is a
16 printout of a Wisconsin State Statute, and I'd
17 like to draw your attention to Statute
18 Section 801.50. Then about halfway down the page
19 there's a sub 4m. Do you see that, sir?
20 A Yes.
21 Q All right. And that statute provides "Venue of an
22 action to challenge the apportionment of any
23 congressional" state -- I'm sorry, "any
24 congressional or state legislative district shall
25 be as provided in s. 751.035. Not more than

1 5 days after an action to challenge the
 2 apportionment of a congressional or state
 3 legislative district is filed, the clerk of courts
 4 for the county where the action is filed shall
 5 notify the clerk of the supreme court of the
 6 filing."
 7 Do you see that language?
 8 A Yes.
 9 Q All right. Were you involved in any way in the
 10 development of that particular provision,
 11 801.50(4m)?
 12 A Does it have a date of enactment -- or a year of
 13 enactment?
 14 Q This was enacted if you -- actually, yes. If you
 15 look -- if you look at the very, at the very end,
 16 you will see in the notes that follow -- it should
 17 be in there at least. I believe it was this year,
 18 2011. I'm looking for the reference in the notes
 19 at the end, however.
 20 A If it was not between 1995 and 2001, I would not
 21 have had any role.
 22 Q All right. So the consulting work that you're
 23 doing now as a consultant with Reinhart doesn't go
 24 to the drafting of -- or did not at least go to
 25 the drafting of this particular statute,

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1 801.50(4m)?
 2 A That is correct.
 3 Q All right. And then looking at Exhibit No. 15,
 4 I'd like to draw your attention to
 5 Section 751.035, *Assignment to a judicial panel;*
 6 *appeals.* Do you see that?
 7 A Yes.
 8 Q Okay. And that was the section that was
 9 referenced in the portion of Exhibit 14 that we
 10 read. And if you see at the bottom of 751.035,
 11 you'll see *History.* Do you see it says 2011?
 12 Okay. And same question. Did you participate or
 13 were you involved in any way in the development of
 14 this particular statute, 751.035?
 15 A No.
 16 Q Okay. You can set those to the side.
 17 Mr. Handrick, are you aware of pending
 18 lawsuits either in the Wisconsin Supreme Court or
 19 in Waukesha County on the subject of
 20 redistricting?
 21 A Yes.
 22 Q Okay. And addressing the Supreme Court case --
 23 can you mark a copy of this?
 24 (Exhibit No. 16 marked for
 25 identification)

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1 Q This is Exhibit 16. I've just handed you a copy
 2 of a document that the court reporter has marked
 3 as Exhibit No. 16. And I will represent to you
 4 that this is a copy of petition for -- to commence
 5 an original jurisdiction action that was filed in
 6 the Wisconsin Supreme Court on November 21. This
 7 does not have all the exhibits attached to it, so
 8 there's a much thicker packet of exhibits, but I
 9 just wanted to ask you about the filing of the
 10 complaint itself.
 11 Have you discussed this particular complaint
 12 or this action with anyone?
 13 MR. KELLY: Objection. Would you
 14 care to cavern off counsel for the
 15 defendants?
 16 MR. POLAND: No. I'm first going
 17 to ask a broad question with anyone.
 18 MR. KELLY: Okay. I object to the
 19 extent the question calls for information
 20 protected by the attorney-client privilege
 21 and the work product doctrine. And I
 22 instruct the witness not to answer.
 23 However, if there are conversations that
 24 you have had about Exhibit 16 that were not
 25 with counsel for the defendants or had at the

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1 direction of counsel for the defendants, then
 2 you may answer.
 3 Q With respect to anyone that Mr. Kelly has asserted
 4 a privilege over, are you going to follow his
 5 instruction and not answer the question?
 6 A Yes.
 7 Q All right. Is there anyone who falls outside that
 8 category, privileged category that you've
 9 discussed the filing of the petition for original
 10 jurisdiction with?
 11 A No.
 12 Q All right. Did you have any input into the
 13 drafting of Exhibit 16?
 14 MR. KELLY: Objection to the extent
 15 that the question calls for information
 16 protected by the attorney-client privilege,
 17 the work product doctrine. I instruct the
 18 witness not to answer.
 19 However, if there is -- if there are
 20 any -- if there's any input that did not go
 21 through counsel for the defendants or at
 22 their direction, you may answer if you can.
 23 A Please restate the question.
 24 MR. POLAND: Yeah. Can you read it
 25 back?

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1 (Question read)
 2 A No.
 3 Q Is that with respect to people over whom Mr. Kelly
 4 has not asserted an objection?
 5 A State that again, please.
 6 Q Strike that question.
 7 MR. KELLY: Yeah, let me -- yeah,
 8 let me do it.
 9 MR. POLAND: Go ahead.
 10 MR. KELLY: I've instructed you not
 11 to answer the question with respect to any
 12 conversations you've had with counsel for the
 13 defendants or at counsel's direction. To the
 14 extent that there's anything responsive to
 15 that question outside of conversations with
 16 counsel for the defendants or at their
 17 direction, then you can answer.
 18 Q All right. Are you following counsel's
 19 instruction with respect to privileged
 20 conversations that you had that you won't answer
 21 the question?
 22 A Yes.
 23 Q All right. Are there any non-privileged people
 24 that -- people who fall outside the privilege that
 25 you've discussed Exhibit 16 with or given them

1 input on the drafting of Exhibit 16?
 2 A No.
 3 Q You can set that to the side.
 4 Are you aware also that there have been
 5 lawsuits filed -- there was a lawsuit filed in
 6 Waukesha County having to do with redistricting?
 7 A Yes.
 8 Q All right.
 9 (Exhibit Nos. 17 and 18 marked for
 10 identification)
 11 Q This is 17 (indicating), and this is 18
 12 (indicating). Mr. Handrick, I've handed you
 13 two documents that the court reporter has marked
 14 as Exhibits 17 and 18. Do you have those in front
 15 of you?
 16 A Yes.
 17 Q Okay. First taking a look at Exhibit No. 17, a
 18 complaint that was filed in Waukesha County
 19 Circuit Court on November 28, 2011. Do you see
 20 that?
 21 A Yes.
 22 Q All right. And again this -- I have not appended
 23 the exhibits to this document. It simply consists
 24 of the complaint itself.
 25 Is this a document that you've seen before?

1 A No.
 2 Q Have you discussed the filing of the
 3 Waukesha County action with anyone?
 4 MR. KELLY: Object to the extent
 5 that it calls -- the question calls for
 6 information protected by the attorney-client
 7 privilege, the work product doctrine. And as
 8 a result of that, I instruct the witness not
 9 to answer.
 10 Q And are you going to follow counsel's instruction
 11 not to answer the question?
 12 A Yes.
 13 Q All right. Were there any people with whom --
 14 strike that question.
 15 Is there anyone over whom there's no --
 16 strike that. It's getting late in the day.
 17 Are there any non-privileged conversations
 18 that you had with anyone about the complaint that
 19 is Exhibit No. 17?
 20 A No.
 21 Q Were you aware of the Waukesha County litigation
 22 before that action was commenced?
 23 A No.
 24 Q All right. If you'd take a look at
 25 Exhibit No. 18, please. And do you see that

1 Exhibit No. 18 consists of a cover letter, an
 2 amended summons, an amended complaint filed in the
 3 Waukesha County redistricting action?
 4 A Yes.
 5 Q And this one actually does attach the exhibits,
 6 were much smaller and shorter, and so it does
 7 attach an exhibit.
 8 Looking at Exhibit No. 18, have you seen this
 9 document before?
 10 A No.
 11 Q Have you discussed Exhibit No. 18 with anyone
 12 before?
 13 MR. KELLY: I object to the extent
 14 the question calls for information protected
 15 by the attorney-client privilege or the work
 16 product doctrine. And to that extent I
 17 instruct the witness not to answer.
 18 Q Are you going to follow counsel's instruction not
 19 to answer the question?
 20 A Yes.
 21 Q Have you had any conversations about Exhibit 18 or
 22 the Waukesha County lawsuit with anyone who does
 23 not fall with any attorney-client or work product
 24 privileges?
 25 A No.

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1 Q Were you aware of this particular complaint before
2 it was filed?
3 A No.
4 Q You didn't participate in the drafting of
5 Exhibit No. 18?
6 A No.
7 Q You can set that to the side.
8 Mr. Handrick, you're aware there was a
9 hearing held in July regarding the proposed
10 redistricting plans, Acts 43 and 44?
11 A Yes.
12 Q All right. And were you present at that hearing?
13 A No.
14 (Exhibit No. 19 marked for
15 identification)
16 (Discussion off the record)
17 Q Mr. Handrick, I've handed you a thick document,
18 which is a Transcript of Proceedings dated
19 July 13, 2011. Do you see that?
20 A Yes.
21 Q Okay. And I'll represent for the record that this
22 is a document that was produced to us by the
23 defendants in this litigation. You did not
24 testify at this hearing, correct?
25 A That is correct.

1 Q All right. Did you consult with any of the
2 witnesses who did testify at the hearing before
3 the hearing?
4 A No.
5 Q So Mr. -- were you aware that Mr. Ottman testified
6 at the hearing?
7 A Yes.
8 Q And you didn't consult with Mr. Ottman about his
9 testimony before the hearing?
10 A No.
11 Q And you're aware that Mr. Foltz testified at the
12 hearing on July 13, correct?
13 A Yes.
14 Q Did you consult with Mr. Foltz before he testified
15 at the hearing about his testimony?
16 A No.
17 Q All right. Did you speak with either Mr. Foltz or
18 Mr. Ottman about their testimony after the
19 hearing?
20 MR. KELLY: Objection to the extent
21 the question calls for information subject to
22 the attorney-client privilege or the work
23 product doctrine. And to the extent that the
24 question asks about conversations you've had
25 with counsel for the defendants or at

1 counsel's instructions or direction, I
2 instruct the witness not to answer.
3 Q Are you going to -- sorry.
4 MR. KELLY: If there are -- if
5 there are conversations outside of those
6 parameters, you may answer.
7 Q Are you going to follow counsel's instructions not
8 to answer the question with respect to the
9 assertion of the attorney-client or work product
10 privilege?
11 A Yes.
12 Q Are there any non- --
13 MR. KELLY: So -- I'm sorry. And
14 so the witness is aware of the scope of the
15 privilege we are claiming, that would be any
16 conversations about the -- about this
17 testimony subsequent, on or after
18 November 22, 2011.
19 Q Are there any conversations that you had that fall
20 outside of the privileged category that Mr. Kelly
21 just mentioned?
22 A Conversations with?
23 Q With either Mr. Ottman or Mr. Foltz about their
24 testimony.
25 A Yes.

1 Q When -- who did you talk to about the testimony
2 after they had given it?
3 A Mr. Foltz and Mr. Ottman.
4 Q When did you speak with Mr. Foltz about his
5 testimony?
6 A I don't recall precisely.
7 Q Was it very shortly after the hearing itself?
8 A Within 48 hours.
9 Q Okay. Where were you and Mr. Foltz when you spoke
10 with him about his testimony?
11 A My recollection is at Michael Best & Friedrich.
12 Q Was anyone else present for your conversation with
13 Mr. Foltz about his testimony?
14 A Yes.
15 Q Who else was present?
16 A Mr. Ottman.
17 Q Anyone other than Mr. Foltz or Mr. Ottman and you
18 present for that conversation?
19 A Not that I recall.
20 Q What was said during that conversation about their
21 testimony?
22 A Precisely, I don't recall.
23 Q Okay. Generally what was the nature of the
24 discussion?
25 A I stopped by to tell them that I thought that they

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1 did a nice job presenting the two bills before the
 2 committee.
 3 Q Did you have any conversation with them
 4 specifically about any particular portions of
 5 either of the bills?
 6 A No.
 7 Q Did they say anything to you about their testimony
 8 regarding specific portions of either of the
 9 bills?
 10 A Yes.
 11 Q And what did they say?
 12 A Thank you.
 13 Q Did both of them say thank you?
 14 A To my recollection, yes.
 15 Q Any -- was there any other conversation that you
 16 had with Mr. Ottman or Mr. Foltz about their
 17 testimony?
 18 A No.
 19 Q Other than Mr. Ottman and Mr. Foltz, did you speak
 20 with anyone else about the testimony given at the
 21 July 13, 2011 hearing?
 22 MR. KELLY: I object to the extent
 23 the question calls for information related to
 24 conversations occurring on or after
 25 November 22, 2011 on the basis that they

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1 would invade the attorney-client privilege
 2 and the work product doctrine. And on that
 3 basis I instruct the witness not to answer.
 4 Q Are you going to follow counsel's instruction not
 5 to answer the question with respect to privileged
 6 conversations?
 7 A Yes.
 8 Q All right. Were there any non-privileged
 9 conversations that you had with anyone other than
 10 Mr. Ottman or Mr. Foltz regarding their testimony
 11 on July 13, 2011?
 12 A Not that I recall.
 13 Q Have you read through the transcript before,
 14 Mr. Handrick?
 15 A No.
 16 Q Have you seen portions of it before?
 17 A Yes.
 18 Q All right. When did you see portions of the
 19 transcript that's Exhibit 19?
 20 A The date that it was -- the date that it occurred.
 21 Q On the same date you saw a transcript of the
 22 proceedings?
 23 A No. I'm sorry. Restate the question.
 24 MR. POLAND: Yeah. Could you read
 25 it back?

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1 (Question read)
 2 A Oh, I misunderstood your question. I saw portions
 3 of the transcript when you gave it to me today.
 4 Q Had you seen -- before today had you seen any
 5 portions at all of the transcript of the July 13,
 6 2011 proceedings?
 7 A No.
 8 Q Did you watch the proceedings on TV?
 9 A Partially.
 10 Q What parts did you see on TV?
 11 A My recollection, I watched a portion of Mr. Ottman
 12 and Mr. Foltz's testimony before the committee,
 13 and I recall a short portion I saw of
 14 Mr. David Obey's testimony before the committee.
 15 Q Where were you when you were watching the
 16 proceedings on TV?
 17 A I don't -- I don't recall.
 18 Q Were you watching it on WisconsinEye?
 19 A I believe so, yes.
 20 Q Do you recall if you were watching it on your
 21 computer or on a computer?
 22 A I believe so.
 23 Q Was anyone else with you when you were watching
 24 the testimony on July 13?
 25 A Not that I recall.

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1 Q Did you make any notes at all as you were watching
 2 the testimony?
 3 A Yes.
 4 Q What did you do with those notes?
 5 A Those notes I simply kept.
 6 Q Are those in your office at Reinhart?
 7 A Yes.
 8 Q Do you recall the nature of the notes that you
 9 made?
 10 A The nature of the notes I made was any objective
 11 number or statistic that was provided by
 12 Mr. Ottman or Mr. Foltz. I wrote that down.
 13 Q Why did you write down any objective numbers that
 14 they gave?
 15 A So that -- as, you know -- because I didn't have
 16 access to any of that information, you know, from
 17 the firm.
 18 Q When you say *the firm*, what firm do you mean?
 19 A Michael Best.
 20 Q All right. You had access to it when you were
 21 present at Michael Best in their offices; is that
 22 correct?
 23 A Correct.
 24 Q But once you went outside of Michael Best's
 25 offices, you did not have access to that

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1 information?
 2 A That's correct.
 3 Q And why did you want to have those numbers?
 4 A My own personal knowledge.
 5 Q Did you do anything with the numbers once you
 6 wrote them down? Did you make any calculations,
 7 or did you provide those numbers to anyone else?
 8 A Yes.
 9 Q Did you make calculations?
 10 A Calculations, no.
 11 Q Did you provide those numbers to anyone else?
 12 A Yes.
 13 Q Who did you provide them to?
 14 A The -- and I don't know the name of the group.
 15 The Wisconsin Association of Lobbyists asked me to
 16 give a presentation on this topic.
 17 Q On redistricting?
 18 A Yes.
 19 Q On Acts 43 and 44?
 20 A No, I don't believe I -- I don't believe Act 44
 21 was a topic.
 22 Q Okay. So the presentation that you gave to the
 23 Wisconsin Association of Lobbyists was on Act 43?
 24 A Yes.
 25 Q When did you give that presentation?

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1 A I don't remember the specific date.
 2 Q Was it in the summer, over the fall?
 3 A My recollection is it was in the early fall.
 4 Q I'd like you to open Exhibit 19. I'm going to
 5 take you to a few specific passages in the
 6 document, and I'll give you the page and a line.
 7 MS. LAZAR: Before you do that, I
 8 think you made an error on the back of the
 9 document.
 10 MR. POLAND: Oh.
 11 MS. LAZAR: There's some pages
 12 that are disclosures that were previously
 13 provided by the Department of Justice, at
 14 least in my copy.
 15 MR. POLAND: Okay.
 16 MS. LAZAR: I don't know if
 17 everyone else has that, but they don't belong
 18 there.
 19 MR. POLAND: All right. Well,
 20 let's take them out then if they're in there.
 21 It should end at the end of the -- there's a
 22 Min-U-Script at the end and an index, and it
 23 should end after that. Why don't I just take
 24 it back. Thank you, Maria, for pointing that
 25 out.

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1 MS. LAZAR: Not a problem.
 2 MR. POLAND: So -- yeah. Okay. So
 3 Maria is right. At the back end of that
 4 document of Exhibit 19 -- we'll recycle
 5 those.
 6 MS. LAZAR: Super.
 7 MR. POLAND: Thanks. Everybody
 8 ready? Okay.
 9 Q I'd like you to take a look at page 4, and I'm
 10 going to draw your attention to lines 9 through
 11 12. Have you looked at transcripts before? Do
 12 you understand how they work, that there will be
 13 the name of the person who's giving the testimony,
 14 and then it can sometimes go on for several pages?
 15 A Okay.
 16 Q Okay. So if you look over on page 3 of the
 17 transcript, you'll see it's Mr. Ottman who's
 18 testifying.
 19 A Yes.
 20 Q Do you see that? Okay. So now if you look on
 21 page 4, I'd like to draw your attention to line 9
 22 and specifically Mr. Ottman's statement. "There
 23 are three core principles to any reapportionment
 24 plan: equal population, sensitivity to minority
 25 concerns, and compact and contiguous districts."

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1 Do you see that, that testimony there?
 2 A Yes.
 3 Q Do you agree with those statements?
 4 A Not necessarily.
 5 Q Okay. What do you disagree with?
 6 A Those principles stated do not relate to
 7 reapportionment plans.
 8 Q Okay. What do they relate to?
 9 A They relate to redistricting plans.
 10 Q Okay. And what is the difference between
 11 redistricting and reapportionment?
 12 A Reapportionment, my understanding, is the
 13 allocation of congressional seats among the
 14 states. Redistricting is the subdivision of
 15 districts within a state.
 16 Q Other than that disagreement that you, that you
 17 just identified, are there any other areas of
 18 disagreement that you have with the statement that
 19 Mr. Ottman made?
 20 A Yes.
 21 Q Okay. What would that be?
 22 A I believe a core principle -- my understanding is
 23 a core principle is upholding the Voting Rights
 24 Act.
 25 Q Any other aspects of Mr. Ottman's statement that

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1 you disagree with?
 2 A No.
 3 Q Are there any other core principles in addition to
 4 the ones that Mr. Ottman mentions in this
 5 transcript?
 6 MR. KELLY: Objection, form. You
 7 may answer if you can.
 8 A Could you please restate the question?
 9 MR. POLAND: Sure. Can you read it
 10 back?
 11 (Question read)
 12 MR. KELLY: Same objection. I'd
 13 also like the same objection for the prior
 14 two questions.
 15 A Well, I already expressed, I believe, that a
 16 principle is the Voting Rights Act.
 17 Q Voting Rights Act. Right. Is there anything in
 18 addition to the Voting Rights Act that you believe
 19 is a core principle that was left omitted from
 20 Mr. Ottman's -- yeah, Mr. Ottman's testimony?
 21 A No.
 22 MR. KELLY: Objection, form.
 23 Q Do you see Mr. Ottman mentions equal population in
 24 his testimony on page 4?
 25 A Yes.

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1 minute or two ago, correct?
 2 A Yes.
 3 Q All right. What are the appropriate conditions
 4 for taking race or other protected class into
 5 account when you're drawing legislative districts?
 6 MR. MCLEOD: I'm going to --
 7 MR. KELLY: Object to form.
 8 MR. MCLEOD: I'm going to assert an
 9 objection that it calls for a legal
 10 conclusion. And we've now confirmed from
 11 Judge Stadtmiller's order Mr. Handrick is not
 12 a lawyer, but I'll leave it at that. If he
 13 can answer, he's welcome to do so.
 14 A Please state the question again.
 15 Q Do you want to have her read the question back to
 16 you?
 17 (Question read)
 18 A My understanding is that the district should give
 19 minorities opportunity to elect representatives of
 20 their choice but that race should not be a
 21 predominant factor.
 22 Q Now, in his testimony -- I'd like to draw your
 23 attention to page 29. In his testimony at
 24 lines 22 and 23 of page 29, Mr. Ottman testified
 25 "Under any reapportionment plan a certain amount

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1 Q All right. What is the standard that you use for
 2 equal population?
 3 A For what type of --
 4 Q For redistricting.
 5 A It depends.
 6 Q What would it depend on?
 7 A The level of government.
 8 Q And what about if we're looking at assembly
 9 districts; what would be the standard for equal
 10 population in assembly districts?
 11 A The standard for equal population in assembly
 12 districts that was out -- that was outlined by the
 13 Court in 2002 was approximately 1½ percent.
 14 Q And that was the federal court in 2002 that set
 15 that standard?
 16 A I believe so, yes.
 17 Q Is zero deviation from that ideal, no deviation at
 18 all, is that an absolute requirement?
 19 MR. KELLY: Objection, form, but
 20 you may answer if you can.
 21 A Please state that question again.
 22 Q Sure. Is zero deviation from the ideal equal
 23 population, is that an absolute requirement?
 24 A Not to my knowledge.
 25 Q Okay. Now, you mentioned the Voting Rights Act a

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1 of disenfranchisement is inevitable and
 2 avoidable." Do you see that statement?
 3 A Yes.
 4 Q Okay. And then I'd like you to take a look at
 5 page 30, lines 16 through 18. Mr. Ottman makes
 6 the statement "What we've done here is tried to
 7 the best of our ability to minimize that
 8 displacement." Do you see that testimony?
 9 A Yes.
 10 Q All right. Were you involved in -- strike that.
 11 In the process of formulating the
 12 redistricting plans that ended up in Act 43, were
 13 you involved in analyzing the displacement of
 14 voters?
 15 A No.
 16 Q Do you know how many residents in Wisconsin were
 17 moved to a new legislative district under Act 43?
 18 A No.
 19 Q Do you have any opinion whether Act 43 minimized
 20 the disenfranchisement of residents?
 21 MR. KELLY: Objection, form.
 22 MR. POLAND: Do you want to read
 23 the question back?
 24 (Question read)
 25 A No.

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1 Q Is there any measure that you know of to, to
 2 assess whether disenfranchisement of voters in the
 3 redistricting process is acceptable?
 4 A Can you state that question again?
 5 MR. POLAND: Can you read it back?
 6 (Question read)
 7 Q Strike that question.
 8 Is there any standard that you know of to
 9 measure whether the number of voters who are
 10 disenfranchised in the redistricting process is an
 11 acceptable number?
 12 A No.
 13 Q Did you ever have a discussion about the number of
 14 voters who are disenfranchised by Act 43 with
 15 anyone?
 16 A Yes.
 17 MR. KELLY: I'm sorry. Could you
 18 read that back question? I apologize.
 19 (Question read)
 20 MR. KELLY: I object to the extent
 21 that the question calls for information
 22 protected by the attorney-client privilege or
 23 the work product doctrine. And to that
 24 extent, I instruct the witness not to answer.
 25 However, if there are conversations you've

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1 had that are with people other than counsel
 2 or at the direction of counsel, then you may
 3 answer.
 4 Q And with respect to the assertion of the
 5 attorney-client privilege and work product
 6 privilege, are you going to take counsel's
 7 instruction to not answer the question?
 8 A Yes.
 9 Q All right. Other than conversations that would be
 10 covered by the attorney-client privilege or work
 11 product privilege, were there any conversations
 12 that you had about disenfranchisement of voters by
 13 Act 43?
 14 A Yes.
 15 Q All right. Who did you have those conversations
 16 with?
 17 A Mr. Ottman.
 18 Q When did you speak with Mr. Ottman about
 19 disenfranchisement of voters?
 20 A I don't recall that precise date.
 21 Q Was it -- was it sometime before Act 43 was
 22 enacted?
 23 A Yes.
 24 Q What was the nature of the discussion that you had
 25 with Mr. Ottman?

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1 A My recollection is I inquired as to the number and
 2 percent that would be temporarily voter delayed.
 3 Q And do you recall what Mr. Ottman told you?
 4 A No.
 5 Q Do you recall any reaction you had at the time as
 6 to whether the number, the percentage that he gave
 7 you was one that you believed to be acceptable or
 8 not?
 9 A No.
 10 Q Do you recall giving Mr. Ottman any advice on
 11 whether it needed to -- Act 43 needed to
 12 disenfranchise fewer voters?
 13 A No.
 14 Q Anyone other than Mr. Ottman that you had a
 15 conversation about, subject of course to the
 16 assertion of privilege?
 17 A No.
 18 Q I'm going to draw your attention to page 36 and
 19 lines 20 to 22. At the hearing Mr. Ottman was
 20 asked why the statutes weren't built on ward lines
 21 as the law requires. And he responded in lines 20
 22 to 22 here "technology has moved to the point
 23 where it is much easier to draw these maps in
 24 advance of the locals completing their process."
 25 Do you see that testimony?

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1 A Yes.
 2 Q Do you agree with that statement by Mr. Ottman?
 3 A Yes.
 4 Q Okay. Doesn't that make it -- or doesn't that
 5 create difficulties for local governments?
 6 MR. KELLY: Objection, form.
 7 Q You can answer the question.
 8 A Not to my knowledge.
 9 Q I'd like to draw your attention to page 47. And
 10 then on lines 2 through 7 you see
 11 Senator Erpenbach asked Mr. Ottman "Did the
 12 partisan makeup of the districts come into play at
 13 all when drawing the maps?" And then Mr. Ottman
 14 responds "The principles were the ones I
 15 enumerated. Those were the ones that drove
 16 drawing the map." Do you see that testimony?
 17 A Yes.
 18 Q And do you agree with that statement by
 19 Mr. Ottman?
 20 A I can't answer as to Mr. Ottman's driving.
 21 MR. POLAND: I'm sorry. Can you
 22 read back the answer?
 23 (Answer read)
 24 Q Okay. I'm going to ask you to explain the answer.
 25 Why can you not answer as to Mr. Ottman's

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1 statement about driving?
 2 A Because I did not direct Mr. Ottman to draw maps.
 3 Q All right. In your opinion did the partisan
 4 makeup of the districts come into play when
 5 drawing the maps?
 6 MR. KELLY: Objection to form, but
 7 you may answer.
 8 A In the maps that I drew, no.
 9 Q Did they come into play in the map that was
 10 enacted in Act 43?
 11 A I don't know.
 12 Q Were partisan considerations a factor in the
 13 drawing of the plan that was enacted in Act 43?
 14 A I don't know.
 15 Q When you were working during the redistricting
 16 process, did you have any access to voting data
 17 from past elections?
 18 A No.
 19 Q Has anyone provided you -- as part of the 2011
 20 redistricting process, has anyone provided you
 21 with any data on voting results from past
 22 elections?
 23 MR. KELLY: Objection to the extent
 24 the calls for information protected by the
 25 attorney-client privilege or the work product

1 occupied from February until Act 43 was passed?
 2 A I can't -- I can't even put a percentage on that.
 3 Q All right. Do you know who decided to draw
 4 districts based on census blocks before the
 5 completion of the ward process?
 6 A No.
 7 Q That wasn't a decision that you made?
 8 A No.
 9 Q How many different maps did you personally draw
 10 before settling on any final version of what you
 11 were asked to draw?
 12 MR. MCLEOD: Object to the form of
 13 the question. You can answer if you can.
 14 A I recall drawing two maps.
 15 Q Okay. What was represented in the maps that you
 16 drew?
 17 A They were statewide redistricting plans.
 18 Q Did the statewide redistricting plans that you
 19 drew -- strike that question.
 20 Did Act 43 as enacted reflect the state
 21 redistricting plans that you personally drew?
 22 A No.
 23 Q What were the differences between Act 43 as
 24 enacted and the state redistricting plan that you
 25 drew?

1 doctrine. And to that extent I instruct you
 2 not to answer the question.
 3 If there is material responsive to the
 4 question that does not involve conversations
 5 or data given to you by counsel or obtained
 6 by you at counsel's direction, then you may
 7 answer the question.
 8 Q Are you going to follow counsel's instruction not
 9 to answer the question with respect to privileged
 10 conversations?
 11 A Yes.
 12 Q All right. Were there any non-privileged
 13 conversations that you had or any non-privileged
 14 relationships that you had where someone provided
 15 you with data on voting results from past
 16 elections?
 17 A No.
 18 Q How many hours in total did you spend working on
 19 redistricting plans from the time you were engaged
 20 as a consultant in February until the time the act
 21 was passed?
 22 A I do not know.
 23 Q Was it more or less a full-time activity for you?
 24 A No.
 25 Q Any estimate of a percentage of your time that it

1 A That would be impossible for me to answer.
 2 Q Were there many differences?
 3 A Many differences.
 4 Q Without actually having a final version of Act 43
 5 in front of you and the maps you drew, it would be
 6 impossible for you to recall them all; is that
 7 correct?
 8 A Yes.
 9 Q Fair statement?
 10 What version of autoBound did you use to draw
 11 the redistricting maps?
 12 A I -- I don't know.
 13 Q Do you know whether it was a relatively new
 14 version?
 15 A I don't know.
 16 Q Did it have any new features from the previous
 17 version that you'd used?
 18 A Not that I'm aware of.
 19 Q You mentioned before that you did have
 20 conversations with Mr. Gaddie and you were present
 21 with Mr. Gaddie during the redistricting process,
 22 correct?
 23 A Yes.
 24 Q There -- are you aware there are two other expert
 25 witnesses that have been identified by the

1 defendants? One is a Mr. Diaz. Are you aware of
 2 Mr. Diaz?
 3 A Yes.
 4 Q Did you have any communications with Mr. Diaz
 5 during the redistricting process?
 6 A No.
 7 Q So you did not communicate with Mr. Diaz while you
 8 were drawing the redistricting plans from February
 9 through, through the time that they were enacted?
 10 A That's correct.
 11 Q Did Mr. Diaz provide you with any information
 12 during the redistricting process?
 13 A No.
 14 Q Did anyone provide you with information from
 15 Mr. Diaz during the redistricting process?
 16 A No.
 17 Q You testified earlier that you -- let me start
 18 over.
 19 You testified earlier that you drew assembly
 20 districts in the city of Milwaukee; is that
 21 correct?
 22 A Yes.
 23 Q And that would include Assembly Districts 8 and 9,
 24 correct?
 25 A Yes.

1 Q Did you decide on specific percentages of voting
 2 age population among Hispanics in Districts 8 and
 3 9 in drawing those districts?
 4 A No.
 5 Q Do you know who did make a decision as to draw
 6 specific percentages of voting age population
 7 among Hispanics in Districts -- Assembly
 8 Districts 8 and 9?
 9 A No.
 10 Q Between April 2011 and July 2011, did you spend
 11 any time in Washington, DC?
 12 A No.
 13 Q Did anyone from outside the state of Wisconsin
 14 ever show you any proposed or existing legislative
 15 redistricting plans for Wisconsin?
 16 A No.
 17 Q Before Acts 40 -- before Act 43 was passed, did
 18 you ever meet or talk to any representatives or
 19 officials of the Republican National Committee
 20 about the new Wisconsin legislative districts?
 21 A No.
 22 Q Do you know whether anyone at the
 23 Republican National Committee has been tasked with
 24 tracking the redistricting process in Wisconsin?
 25 A No.

1 MR. POLAND: Okay. I want to
 2 get -- I have to unplug here for one last
 3 exhibit.
 4 I've got two copies. I'm going to have
 5 to ask you to share. I'm sorry.
 6 MR. KELLY: Is it just the Act 43
 7 map?
 8 MR. POLAND: This is -- I'm just
 9 going to use the Act 43 map, correct.
 10 MS. LAZAR: Are these the ones we
 11 produced?
 12 MR. POLAND: These are the ones
 13 that you produced.
 14 MS. LAZAR: Peter Earle might want
 15 to ask, unless he's finishing up.
 16 MR. POLAND: That's fair. Peter?
 17 MR. EARLE: Yes.
 18 MR. POLAND: Marie just raised a
 19 good point, which is you had wanted to leave
 20 at 5. I probably have about 15 minutes of
 21 questions left. Do you want to go ahead and
 22 ask your questions now?
 23 MR. EARLE: Sure. I only have
 24 about five minutes. It's very short.
 25 MR. POLAND: Go ahead.

1 MR. EARLE: I appreciate the
 2 courtesy. Thank you.
 3
 4 EXAMINATION
 5 By Mr. Earle:
 6 Q Mr. Handrick, you testified that you met with
 7 Mr. Foltz and Mr. Ottman regarding Assembly
 8 Districts 8 and 9. Do you recall that testimony?
 9 A No, I don't.
 10 Q Well, under questioning earlier I thought I --
 11 perhaps I heard wrong. I understood that you
 12 testified that you discussed Assembly Districts 8
 13 and 9 with Mr. Foltz and Mr. Ottman, and you
 14 compared a map that you'd drawn with a map that
 15 they had drawn. Was my understanding of your
 16 testimony incorrect?
 17 A I -- I don't recall that.
 18 Q Okay. Did you draw a map of the 8th and 9th
 19 assembly district?
 20 A Yes.
 21 Q And when did you draw that map?
 22 A Between April and June.
 23 Q And did anybody help you?
 24 A No.
 25 Q Who did you show that map to?

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1 A That, that map, it was not shown to anybody.
 2 Q Did Mr. Foltz and Mr. Ottman draw a map of the 8th
 3 and the 9th assembly districts, to your knowledge?
 4 A Insofar as those are -- that's a portion of a
 5 broader map, the answer is yes.
 6 Q Did you compare your map to any other map between
 7 April and June?
 8 A No.
 9 Q Now, it's my understanding that two maps were
 10 presented to the assembly, is that correct, for
 11 those two assembly districts?
 12 A That's not my understanding.
 13 Q What is your understanding?
 14 A My understanding is there was a bill introduced,
 15 and it -- and it had a hearing, and then there was
 16 an amendment at the hearing.
 17 Q Did you participate in the drawing of the map that
 18 was ultimately adopted as part of the legislative
 19 process?
 20 A Yes.
 21 Q Please describe your participation for me.
 22 A My participation was to -- when that map was
 23 completed, I was asked in my role of assisting the
 24 legal counsel to go in with that map and look for
 25 areas to improve that map on its objective

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1 criteria.
 2 Q Who asked you to do that?
 3 A That was part of the direction from legal counsel.
 4 Q What legal counsel?
 5 A I do not recall.
 6 Q What law firm?
 7 A I do not recall.
 8 Q When did that direction -- when was that direction
 9 given to you?
 10 A I cannot recall that date.
 11 Q What objective criteria were you asked to improve
 12 the map based on?
 13 A Population, deviation, municipal splits,
 14 contiguity.
 15 Q Anything else?
 16 A Not that I can recall.
 17 Q Now, just so I'm clear, we're talking about the
 18 8th and 9th assembly districts?
 19 A No.
 20 Q Is that what you were asked to improve upon?
 21 A No.
 22 Q I'm sorry. Maybe it's because of the phone. I
 23 thought you were -- we were talking about the 8th
 24 and 9th assembly districts. All right.
 25 Did you discuss the 8th and 9th assembly

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1 districts with counsel?
 2 A Yes.
 3 Q What counsel?
 4 A Jim Troupis.
 5 Q Anybody else?
 6 A My recollection is Eric McLeod.
 7 Q Okay. Anybody else?
 8 A Not that I can recall.
 9 Q When were those conversations with Mr. McLeod?
 10 A I can't recall that date.
 11 Q Did you take any notes during those conversations?
 12 A No.
 13 Q Were you given any instructions with regards to
 14 the 8th and 9th during those conversations?
 15 A No.
 16 Q Did you discuss the 8th and 9th assembly districts
 17 with Rick Esenberg?
 18 A No.
 19 Q How about Mandy Perez?
 20 A No.
 21 Q How about Zeus Rodriguez?
 22 A Yes.
 23 Q And when did you discuss the 8th and 9th assembly
 24 districts with Zeus Rodriguez?
 25 A Pardon me. Can you repeat that question?

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1 Q When did you discuss the 8th and 9th assembly
 2 districts with Zeus Rodriguez?
 3 A I don't recall that date.
 4 Q Was it before the map was adopted?
 5 A Yes.
 6 Q What was the content of that discussion?
 7 A I can't recall specifics.
 8 Q What do you recall about the conversation?
 9 A There was a variety of different methods by which
 10 the south side of Milwaukee could be drawn, and I
 11 was asked to contact Mr. Rodriguez and ask him to
 12 seek community input.
 13 Q Who asked you to contact Mr. Rodriguez and seek
 14 community input?
 15 A My recollection is that would be Jim Troupis.
 16 Q This was before the ratification of the map?
 17 A Yes.
 18 Q And did you take any notes during your
 19 conversations with Zeus Rodriguez?
 20 A No.
 21 Q Did you generate any e-mails during the course of
 22 your interaction with Zeus Rodriguez?
 23 A Not that I recall.
 24 Q Did you generate any e-mails during the course of
 25 your interactions with Mr. Troupis about the 8th

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1 and 9th assembly districts?
 2 A Not that I recall.
 3 Q How about Mr. McLeod?
 4 A Not that I can recall.
 5 Q How about text messages?
 6 A No.
 7 Q How was the map that you drew different than the
 8 map that was ultimately adopted with regard to the
 9 8th and 9th assembly districts?
 10 A I can't recall without, without knowing what
 11 exactly my map did.
 12 Q Did anybody working on the map to your knowledge
 13 consider the percentage of citizenship of voting
 14 age within the Latino community in the process of
 15 drawing the 8th and 9th assembly districts?
 16 A I do not know.
 17 Q Did you consider citizenship?
 18 A No.
 19 Q Did you discuss the percentage of citizen --
 20 voting age citizens within the Latino community
 21 with anybody during the time you were working on
 22 the maps?
 23 A No.
 24 Q So just so I'm clear, to your knowledge no one
 25 involved in working on these maps considered the

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1 percentage of Latino citizens of voting age in the
 2 course of drawing the 8th and 9th assembly
 3 districts; is that an accurate statement?
 4 A To my knowledge, yes.
 5 Q Okay. Did you participate in any discussions
 6 related to using the census blocks instead of
 7 deferring to local government units drawing ward
 8 lines?
 9 A Can you please restate the question?
 10 Q Sure. Do you recall discussing whether or not to
 11 use census blocks in the drawing of the maps?
 12 A No.
 13 Q Do you know who made the decision to use census
 14 blocks?
 15 A No.
 16 Q When you drew your map, did you use existing ward
 17 lines?
 18 A Perhaps.
 19 Q Did anybody talk to you about the fact that you
 20 used existing ward lines instead of census blocks?
 21 A No.
 22 Q Do you know Peter Morrison?
 23 A No.
 24 Q Now, you say you spoke with Mr. Foltz and
 25 Mr. Ottman within 48 hours of their testimony at

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1 Michael Best; did I hear that accurately earlier?
 2 A Yes.
 3 Q Did you discuss the 8th and 9th assembly districts
 4 with them?
 5 A No.
 6 Q Would you list for me all the people with whom you
 7 discussed the Latino community of interest in the
 8 course of the remapping process -- redistricting
 9 process.
 10 A Jim Troupis, Eric McLeod, Tad Ottman, Adam Foltz,
 11 and the legislative leaders denoted earlier.
 12 Q Anybody else?
 13 A Zeus Rodriguez.
 14 Q Now, I'm not there, so I can't tell whether you're
 15 pondering or you've finished your answer.
 16 A That's what I'm recalling.
 17 Q Did you travel to Chicago in order to meet with
 18 anybody related to the redistricting process?
 19 A No.
 20 Q Did you -- now, I forgot what you said. Did you
 21 actually meet with Zeus Rodriguez, or did you
 22 speak on the phone?
 23 A Spoke on the phone.
 24 Q How many times?
 25 A I believe once.

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1 Q Would you identify for me the people that you
 2 understand or have knowledge about having
 3 participated in the drawing of the, of the lines
 4 for the 8th and 9th assembly districts.
 5 A The legislative leaders outlined earlier, myself,
 6 Tad Ottman, Adam Foltz. That's what I can recall.
 7 MR. EARLE: Okay. Those are all
 8 the questions I have for now. I may have
 9 other questions after this issue of privilege
 10 is resolved.
 11 MR. POLAND: Okay. This is
 12 Doug Poland. I'm going to continue with my
 13 examination then. I'd like to have --
 14 MR. EARLE: And, Doug, I'm going to
 15 hop off the line. Thank you for your
 16 courtesy.
 17 MR. POLAND: All right. Bye Peter.
 18 (Discussion off the record)
 19 (Exhibit Nos. 20 through 22 marked
 20 for identification)
 21 MR. POLAND: I'm just going to mark
 22 all three of them that you produced to us,
 23 20, 21, and 22. So I've got two copies here
 24 just because of the size. We can obviously
 25 have full copies made for everyone, but I'm

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1 going to have to ask that you look over
 2 everybody's shoulders.
 3 So for the record, I've marked
 4 three oversized maps. I'll try not to block
 5 the camera. These are three maps that were
 6 produced to us by the defendants. One,
 7 Exhibit 20, is marked as *State of Wisconsin*
 8 *Act 43 Assembly Districts*. The second is
 9 *2011 Act 44*. And then a third, which is
 10 marked Exhibit 22, the heading on that map is
 11 *2011 Act 43*. And that also depicts the set
 12 of districts in addition to the -- in
 13 addition to the assembly districts.
 14
 15 RE-EXAMINATION
 16 By Mr. Poland:
 17 Q And, Mr. Handrick, I'm going to see if I can fold
 18 this over and hand this to you here. And I'm
 19 going to ask you to look at some specific areas of
 20 the map. I need to look at one as well.
 21 First of all, let me ask you -- because I
 22 think we can get this out of the way first.
 23 Exhibit No. 21, which is I believe Act 44, did you
 24 have -- you had nothing to do with the drawing of
 25 that map; is that correct?

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1 A That's correct.
 2 Q All right. So I'd like to focus you on
 3 Exhibit No. 20, and I'd like to have you take a
 4 look at Kenosha County, please. And do you see
 5 Kenosha County includes three different assembly
 6 districts, 61, 64, and 65? Do you see that?
 7 A Yes.
 8 Q All right. And then I'd also like you to look at
 9 Racine County. And do you see Racine County
 10 includes portions of Assembly Districts 62, 63,
 11 64, and 66?
 12 A Yes.
 13 Q All right. Now, under the 2002 redistricting
 14 plan, Racine was not split between assembly
 15 districts; isn't that correct?
 16 A That's not correct.
 17 Q Racine, the city of Racine, was split among
 18 assembly districts in the 2002 redistricting plan?
 19 A Yes.
 20 Q All right. What districts was it split between?
 21 A I cannot recall those numbers off the top of my
 22 head.
 23 Q Racine and -- no parts of the city of Racine and
 24 Kenosha were contained within the same assembly
 25 district under the 2002 redistricting plan; is

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1 that correct?
 2 A To my knowledge, that's correct.
 3 Q All right. And under 2011 Wisconsin Act 43,
 4 portions of the city of Racine and the city of
 5 Kenosha are both contained within Assembly
 6 District 64, correct?
 7 A Please restate the question.
 8 MR. POLAND: Could you read it
 9 back?
 10 (Question read)
 11 A I cannot ascertain that from this map.
 12 Q Do you -- do you know even apart from the map, do
 13 you know whether that's correct?
 14 A No.
 15 Q All right. You see that Kenosha is split
 16 between -- the city of Kenosha is split between
 17 Assembly Districts 64 and 65, correct?
 18 A Yes.
 19 Q Do you know who made the decision to split Kenosha
 20 between two different assembly districts?
 21 A The United States Census.
 22 Q Split Kenosha among two different assembly
 23 districts?
 24 A Yes.
 25 Q How did the census decide to split Kenosha, the

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1 city of Kenosha, between two different assembly
 2 districts?
 3 A My understanding is the city of Kenosha is too
 4 large to be contained within one assembly
 5 district.
 6 Q Do you know who, who specifically decided where
 7 the assembly district lines would be drawn with
 8 respect to the city of Kenosha?
 9 A In Act 43, no.
 10 Q Do you know who made the decision to combine
 11 portions of the city of Racine and Kenosha in
 12 Assembly District 64?
 13 A No.
 14 Q When you drew your redistricting plans, did they
 15 treat Racine and Kenosha Counties different than
 16 where it ended up being included in Act 43?
 17 A My recollection is yes.
 18 Q All right. And how did the redistricting plan
 19 that you drew differ from what was enacted in
 20 Act 43 with respect to Racine and
 21 Kenosha Counties?
 22 A I could not answer that with any accuracy.
 23 Q Did the -- did the plan that you drew result in
 24 less fracturing of the municipalities of Racine
 25 and Kenosha?

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1 A I can't answer that with any degree of accuracy.
 2 Q You'd need to have the plan that you prepared to
 3 be able to compare it with this one to answer that
 4 question?
 5 A Yes.
 6 Q Did you ever have discussions with anyone about
 7 the splits in the cities of Racine and Kenosha?
 8 A Yes.
 9 Q And who did you discuss that with?
 10 A Mr. Ottman.
 11 Q What did you and Mr. Ottman discuss?
 12 A As I indicated a few minutes ago, when the map was
 13 assembled, I was asked to go in and look for a
 14 variety of things, non-continuous parcels, and
 15 there, there were some identified in that area.
 16 Q You identified some splits in that area that, that
 17 you thought were not necessary; is that correct?
 18 A There were splits in that area identified by a
 19 splits report.
 20 Q Right. And you pointed those out to Mr. Ottman?
 21 A Yes.
 22 Q Did you suggest that some of those splits be
 23 eliminated?
 24 A I don't recall.
 25 Q The splits to which you're referring, are those

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1 identified in the handwritten notes that you
 2 brought with you today?
 3 A They would not be.
 4 Q This was as part of Exhibit No. 2 then. Do you
 5 have Exhibit No. 2 in front of you? And it was
 6 the handwritten notes portion of it.
 7 If we look at Kenosha on these handwritten
 8 notes that are part of Exhibit No. 2, you
 9 identified two splits with respect to
 10 Kenosha County, correct?
 11 A Correct.
 12 Q All right. And that was going to be split between
 13 Kenosha and Somers; is that right?
 14 A No.
 15 Q What was the split?
 16 A This indicates that the city of Kenosha was split,
 17 and the town, village, or Somers was split.
 18 Q Okay. And so your handwritten report doesn't
 19 indicate how many different splits there were in
 20 the municipality; is that correct?
 21 A That's correct.
 22 Q All right. You can set that down.
 23 Do you know what the justification was for,
 24 for splitting the municipalities of Racine and
 25 Kenosha?

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1 A Amongst assembly seats?
 2 Q Correct.
 3 A Yes.
 4 Q Okay. And what was the justification for --
 5 strike that.
 6 I assume the justification for splitting
 7 Kenosha was, as you identified before, the
 8 population was too large to fit within one?
 9 A That is correct.
 10 Q Were there any other justifications for the split
 11 in Kenosha?
 12 A Not that I can recall.
 13 Q All right. Do you know what the justification was
 14 for splitting Racine?
 15 A Yes.
 16 Q And what was that?
 17 A Racine is too large to be confined in a single
 18 assembly district.
 19 Q Do you know what the justification was for drawing
 20 Assembly District 64 as it's drawn?
 21 A No.
 22 Q All right. Did you solicit any comments from any
 23 legislatures who are representing municipalities
 24 that were most significantly changed by Act 43?
 25 A No.

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1 Q Now, according to Mr. -- strike that question.
 2 Have you read Mr. Gaddie's expert report?
 3 A Yes.
 4 Q Professor Gaddie I should say. And according to
 5 his report, there are 11 new assembly districts
 6 where incumbents are paired. Is that your
 7 understanding?
 8 A As a result of Act 43?
 9 Q Correct.
 10 A No, that's not my understanding.
 11 Q Okay. What's your understanding about how many
 12 assembly districts, new assembly districts where
 13 incumbents are paired?
 14 A My understanding as a result of Act 43 is that
 15 there are ten assembly districts where incumbents
 16 are paired.
 17 Q Do you know who made the decision to make those
 18 pairings?
 19 A No.
 20 Q And there are two republican incumbents who are
 21 paired in the new assembly districts, correct?
 22 A My recollection is there are six.
 23 Q There are six republicans that are republican
 24 incumbents paired against each other?
 25 A That's my recollection, yes.

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1 Q Do you know who decided to district -- redistrict
 2 in a way that would pair those republican
 3 incumbents?
 4 A No.
 5 Q Did you solicit or did any of the affected
 6 republicans who are -- republican incumbents who
 7 are paired contact you about those pairings?
 8 A No.
 9 Q In any of the earlier versions of the
 10 redistricting plan that you saw that ended up
 11 being Act 43, were any of the republican pairings,
 12 incumbent pairings different than in Act 43 as it
 13 was passed?
 14 A Please restate the question.
 15 Q That's a terrible question. All right.
 16 In any of the earlier versions of the
 17 redistricting plans that you saw, were any of the
 18 republican incumbent pairings different than in
 19 Act 43 as passed?
 20 A Yes.
 21 Q And how are they different?
 22 A I recall in one of my maps there was a three-way
 23 pairing.
 24 Q And what was that three-way pairing?
 25 A I don't recall the specific legislatures.

1 A Yes.
 2 Q Do you know why Beloit is split into two different
 3 assembly districts?
 4 A No.
 5 Q Did you ever have any conversations with anyone
 6 about why Beloit is split?
 7 A No.
 8 Q Do you know what the justification is for
 9 splitting Beloit into two different assembly
 10 districts?
 11 A I do not, no.
 12 Q Do you have a suspicion?
 13 A Yes.
 14 Q Okay. Why do you -- why do you suspect it was
 15 split into two different assembly districts?
 16 MR. KELLY: Objection, form. You
 17 may answer.
 18 A Equal population.
 19 Q Who would have made that decision to split Beloit
 20 among two different assembly districts?
 21 A I don't know.
 22 Q Do you know whether Beloit was split into two
 23 different assembly districts under the 2002
 24 redistricting plan?
 25 A I do not know.

1 Q Do you recall the districts or approximately where
 2 the districts were?
 3 A My recollection is between Milwaukee and Madison.
 4 Q Why was that three-way pairing changed?
 5 A On my map it wasn't changed.
 6 Q All right. But it was changed in the subsequent
 7 map that was enacted as Act 43, correct?
 8 A It wasn't changed.
 9 Q Why -- there's no longer a three-way pairing with
 10 2011 Wisconsin Act 43, correct?
 11 A As far as I know, there's not.
 12 Q Okay. And why is there not when there was with
 13 your map?
 14 A Apparently my map was not adopted as Act 43.
 15 Q That aspect of your map was not adopted, correct?
 16 A Correct.
 17 Q Do you know why that aspect of your map was not
 18 adopted?
 19 A No.
 20 Q Did you ever have discussions with anyone about
 21 that three-way pairing that had been in your map?
 22 A No.
 23 Q I'd like to draw your attention to the city of
 24 Beloit. The city of Beloit is split between
 25 Assembly Districts 31 and 45, correct?

1 Q All right. I'd like to draw your attention up to
 2 Appleton. And Appleton is split among multiple
 3 assembly districts, correct?
 4 A Yes.
 5 Q Actually, let me go back and ask you one question.
 6 In the -- in the redistricting plan that you drew,
 7 was Beloit split between assembly districts?
 8 A I do not recall.
 9 Q Back up to Appleton. Do you know why it is split
 10 among multiple assembly districts?
 11 A I believe so.
 12 Q And why do you believe it was split among multiple
 13 assembly districts?
 14 A I believe Appleton is too large to be confined in
 15 a single assembly district.
 16 Q Do you know why it wasn't split into fewer
 17 districts?
 18 A No.
 19 Q Did you ever have any conversations with anyone
 20 about how Appleton should be split among assembly
 21 districts?
 22 A Yes.
 23 Q And who did you speak with about that subject?
 24 A Mr. Foltz and Mr. Ottman.
 25 Q All right. And what were -- what was the nature

1 of those conversations?
 2 A To my recollection it was an understanding that
 3 the city of Appleton was split multiple ways under
 4 the 2002 court map.
 5 Q Okay. And that was the justification for
 6 splitting it multiple -- into multiple districts
 7 in this plan as well?
 8 A I do not know what the justification was this time
 9 as well.
 10 Q Okay.
 11 A Or if that was the justification this time as
 12 well.
 13 Q It's just the historical fact that had been done
 14 in the 2002 plan?
 15 A Yes.
 16 Q Did -- do you know whether Mr. Foltz or Mr. Ottman
 17 would have decided to split Appleton in this way?
 18 A Can you restate the question?
 19 Q Yes. Do you know whether Mr. Foltz or Mr. Ottman
 20 made the decision to split Appleton in the way
 21 that's reflected in Act 43?
 22 A I do not know that.
 23 Q Was Appleton split in the same way in the map that
 24 you drew?
 25 A I do not recall the map that I drew for that, that

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1 one assembly district or two.
 2 Q This was the -- this was the version of Act 43
 3 that they asked you to look at the splits and see
 4 if you could fix the splits; is that correct?
 5 A Yes.
 6 Q All right. And you attempted to do that with the
 7 city of Marshfield?
 8 A I looked at it.
 9 Q Okay. Did you actually use the software to
 10 attempt to put Marshfield all within one assembly
 11 district?
 12 A I used the software to look at the populations
 13 involved but did not attempt to put it in one.
 14 Q All right. When you -- when you looked at the
 15 populations involved with the city of Marshfield,
 16 were you able to draw any conclusions from looking
 17 at that data about whether you could include
 18 Marshfield within a single assembly district?
 19 A Marshfield -- my understanding is Marshfield can
 20 be contained within a single assembly district.
 21 Q Do you know why it was not?
 22 A I do not know why.
 23 Q And did anybody ever tell you why it was not?
 24 A No.
 25 Q All right. You can set the maps aside.

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1 particular area.
 2 Q I'd like to draw your attention up to the city of
 3 Marshfield. And Marshfield is split into
 4 two assembly districts as well, correct?
 5 A Yes.
 6 Q Do you know why Marshfield is split into
 7 two assembly districts?
 8 A No, I do not.
 9 Q Did you ever have any conversations with anyone
 10 about splitting Marshfield into two different
 11 assembly districts?
 12 A Yes.
 13 Q Okay. Who did you speak with about that topic?
 14 A Mr. Ottman.
 15 Q And what was that -- what was the nature of that
 16 conversation?
 17 A In my assigned work to attempt to -- or to look at
 18 different splits and unassigned people,
 19 discontinuous territory, et cetera, I was unable
 20 to -- that was a split that I was not able to
 21 address.
 22 Q All right. So you attempted to keep Marshfield
 23 within a single assembly district in the map that
 24 you were drawing?
 25 A In my maps, I do not recall if Marshfield was in

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1 Mr. Handrick, we had discussed a little bit
 2 earlier about communications that you had with
 3 people by e-mail. Do you recall those questions
 4 and the answers?
 5 A Yes.
 6 Q All right. Did you save any copies of the e-mail
 7 communications that you had with respect to
 8 redistricting?
 9 A Yes.
 10 Q Okay. And where are those e-mail communications
 11 saved?
 12 A On my -- in my -- in my electronic folder.
 13 Q Okay. Does the Reinhart law firm have a document
 14 management system?
 15 A I don't know.
 16 Q Is there -- is there some kind of a central system
 17 at Reinhart that saves e-mails and documents?
 18 A I don't know.
 19 Q And when you say that your e-mails are saved, do
 20 you know if they're saved on your computer itself
 21 or on your BlackBerry or in some other location at
 22 Reinhart?
 23 A I do not believe they are saved on the device
 24 themselves.
 25 Q So to the extent that they're saved, they'd be

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1 saved in some kind of central repository for
 2 electronic documents at Reinhart?
 3 A That would be my guess.
 4 Q Did you retain copies of any communications,
 5 e-mail communications, that you sent on your own
 6 computer?
 7 A State the question again, please.
 8 Q Sure. Did you retain any copies of any e-mail
 9 communications that you sent on your own computer?
 10 A Copies, no.
 11 Q Do you have your own computer at Reinhart?
 12 A Yes.
 13 Q Do you have a separate computer at home?
 14 A No.
 15 Q Do you save any text messages on your BlackBerry
 16 device?
 17 A If I do, I'm not aware that I do.
 18 Q Okay. Do you know whether Reinhart has any kind
 19 of a centralized system that saves any text
 20 messages that you send?
 21 A I don't know.
 22 Q Do you have a physical paper file that you keep at
 23 your office at Reinhart?
 24 A State the question again, please.
 25 Q Sure. Do you keep any -- not many of us do this

1 question, you may answer.
 2 Q And so with respect to any attorney-client or work
 3 product communications, are you going to follow
 4 your counsel's instructions and not answer the
 5 question?
 6 A Yes.
 7 Q All right. With respect to any other
 8 communications that are -- would not -- are not
 9 arguably covered by the work product or the
 10 attorney-client privilege, did you have any such
 11 voicemails left for you pertaining to legislative
 12 redistricting?
 13 A I would have no way of recalling that.
 14 Q Do you know whether the -- whether Reinhart has a
 15 system that archives any of the voicemails that
 16 you receive either on the phone at your desk or on
 17 your cell phone?
 18 A I don't know.
 19 MR. POLAND: Those are all the
 20 questions that I have for now subject to the
 21 stipulation that we put -- that Eric put on
 22 the record before.
 23 MR. MCLEOD: Okay.
 24 MR. POLAND: Anyone else?
 25 MR. HASSETT: Couple questions.

1 anymore, but do you keep any hard copies of
 2 documents in your office at Reinhart?
 3 A Yes.
 4 Q Did you keep any hard copies of documents
 5 pertaining to the legislative redistricting work
 6 that you did?
 7 A No.
 8 Q Were there any voicemail messages that were left
 9 on your phone, either your cell phone or your
 10 phone at the Reinhart law firm, pertaining to
 11 legislative redistricting?
 12 MR. KELLY: Objection. Do you want
 13 to limit that temporally?
 14 MR. POLAND: Let's just -- let's
 15 just say generally first.
 16 MR. KELLY: All right. Then I
 17 object to the extent that the question calls
 18 for information protected by the
 19 attorney-client privilege and work product
 20 doctrine. And I instruct the witness not to
 21 answer. That instruction pertains to any
 22 such voicemails on or after November 22,
 23 2011.
 24 If there were any voicemails prior to
 25 that point that is responsive to the

1 EXAMINATION
 2 By Mr. Hasset:
 3 Q I just wanted to reiterate briefly. You said you
 4 had nothing to do with Act 44?
 5 A That's correct.
 6 Q Legislative redistricting. And I believe you
 7 said --
 8 MR. KASPER: Clarification.
 9 Act 44, you said legislative redistricting.
 10 MR. HASSETT: I'm sorry. Thanks
 11 for the correction, congressional
 12 redistricting.
 13 Q And you said Tad Ottman, Ottman had nothing to do
 14 with it, as far as you know?
 15 A As far as I know.
 16 Q As far as you know. And Adam Foltz, do you know
 17 if he had any involvement in congressional
 18 redistricting?
 19 A Not as far as I know.
 20 Q What's your understanding of who drew those lines,
 21 the congressional lines for Act 44?
 22 A I don't know.
 23 MR. HASSETT: All right. I have
 24 nothing further.
 25 MR. KELLY: Nothing from us.

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1 MR. POLAND: Okay. I think then
 2 we're off the record.
 3 (Adjourning at 5:36 p.m.)
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1 interested in the action.
 2 In witness whereof I have hereunto set my
 3 hand and affixed my notarial seal this 22nd day of
 4 December 2011.
 5
 6
 7 Notary Public, State of Wisconsin
 Registered Professional Reporter
 8 My commission expires
 10/6/2013
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1 STATE OF WISCONSIN)
) ss.
 2 COUNTY OF DANE)

3 I, CARMEN HARDER, a Registered Professional Reporter
 4 and Notary Public duly commissioned and qualified in
 5 and for the State of Wisconsin, do hereby certify
 6 that pursuant to subpoena, there came before me on
 7 the 20th day of December 2011, at 9:25 in the
 8 forenoon, at the offices of Godfrey & Kahn, S.C.,
 9 Attorneys at Law, One East Main Street, the City of
 10 Madison, County of Dane, and State of Wisconsin, the
 11 following named person, to wit: JOSEPH W. HANDRICK,
 12 who was by me duly sworn to testify to the truth and
 13 nothing but the truth of his knowledge touching and
 14 concerning the matters in controversy in this cause;
 15 that he was thereupon carefully examined upon his
 16 oath and his examination reduced to typewriting with
 17 computer-aided transcription; that the deposition is
 18 a true record of the testimony given by the witness;
 19 and that reading and signing was not waived.
 20 I further certify that I am neither
 21 attorney or counsel for, nor related to or employed
 22 by any of the parties to the action in which this
 23 deposition is taken and further that I am not a
 24 relative or employee of any attorney or counsel
 25 employed by the parties hereto or financially

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VIDEOTAPE DEPOSITION OF JOSEPH W. HANDRICK 12/20/2011

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December 13, 2011

VIA HAND DELIVERY

Joseph Handrick
c/o Attorney Eric M. McLeod
Michael Best & Friedrich LLP
100 East Wisconsin Avenue, Suite 3300
Milwaukee, WI 53202

RE: *Baldus et al. v. Brennan et al.*
Eastern District of Wisconsin Case No. 11-CV-562

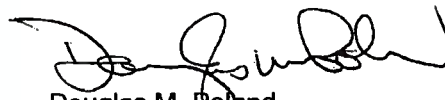
Dear Mr. Handrick:

Pursuant to our discussion with your counsel earlier this week, we have enclosed a Subpoena requiring your appearance for a deposition scheduled for December 20, 2011 beginning at 9:00 a.m. at the law offices of Godfrey & Kahn, S.C., 780 N. Water Street, Milwaukee, Wisconsin 53202.

The subpoena also requires that you produce at the deposition documents that are identified in the subpoena. Also, since you were served on November 28th with a check for the statutory witness and mileage fees to appear in Milwaukee for a deposition, we have not enclosed an additional check.

Please call me at (608) 257-3911 with any questions.

GODFREY & KAHN, S.C.



Douglas M. Roland
Rebecca Kathryn Mason

WKA:js

Enclosure

cc: Maria Lazar (w/ encl, via Hand Delivery)
Patrick Hodan (w/ encl, via Hand Delivery)
P. Scott Hassett (w/ encl, via Hand Delivery)
Thomas Shriner (w/ encl, via E-mail and U.S. Mail)
Peter Earle (w/ encl, via E-mail and U.S. Mail)

7207934_1



AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

ALVIN BALDUS, et al.)	
<i>Plaintiff</i>)	
v.)	Civil Action No. 11-CV-562-JPS
Members of the Wisconsin Government Accountability Board, each)	
only in his official capacity: MICHAEL BRENNAN, et al.)	(If the action is pending in another district, state where:
<i>Defendant</i>))

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Joe Handrick
1000 North Water Street, Suite 1700, Milwaukee, WI 53202

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is *not* a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: GODFREY & KAHN, S.C., 780 N. Water Street Milwaukee, WI 53202, PH: 414-273-3500	Date and Time: 12/20/2011 9:00 am
---	--------------------------------------

The deposition will be recorded by this method: The deposition will be recorded by stenographic and audiovisual means.

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

See Exhibit A attached.

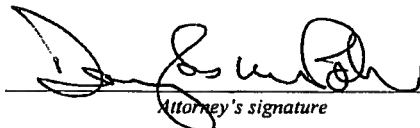
The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 12/13/2011

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk



Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) _____ Plaintiffs

Alvin Baldus, et al. _____, who issues or requests this subpoena, are:
Attorney Douglas M. Poland, GODFREY & KAHN, S.C., One East Main Street, Suite 500, Madison, WI 53703,
Telephone: (608) 284-2625, Email: dpoland@gklaw.com

AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 11-CV-562-JPS

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

Exhibit A

You, or your representatives, must bring with you to the deposition the following documents, communications, electronically stored information or objects (whether sent or received) (collectively "documents") that are in your actual or constructive possession, custody or control, and permit the inspection, copying, testing or sampling of the material:

1. All documents, including but not limited to e-mail, concerning any analyses, data, plans, procedures and/or reports used by state legislative staff and/or any consultants or experts in the planning, development, negotiation, drawing, revision or redrawing of the maps codified in Wisconsin Acts 43 and 44 or any other potential congressional or legislative plan that was not adopted.
2. All documents, including but not limited to e-mail, concerning the objectives and/or motives relied on by – or available to – state lawmakers, their staff and/or any consultants or experts in the planning, development, negotiation, drawing, revision or redrawing of the maps codified in Wisconsin Acts 43 and 44 or any other potential congressional or legislative plan that was not adopted.
3. All documents, including but not limited to e-mail, concerning the identities of persons who participated in the planning, development, negotiation, drawing, revision or redrawing of the maps codified in Wisconsin Acts 43 and 44.
4. All documents, including but not limited to e-mail, concerning the identities, contractual agreements and compensation of any experts and/or consultants (including attorneys retained by contract) retained to assist in the planning, development, negotiation, drawing, revision or redrawing of the maps codified in Wisconsin Acts 43 and 44 or any other potential congressional or legislative plan that was not adopted.
5. All documents, including but not limited to e-mail, concerning the objective facts that legislative staff and/or any experts or consultants referenced, used or relied upon – or available to – in the planning, development, negotiation, drawing, revision or redrawing of the maps codified in Wisconsin Acts 43 and 44 or any other potential congressional or legislative plan that was not adopted.

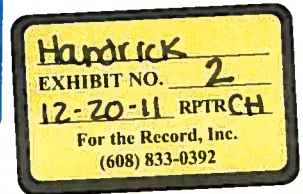


Census Geography Splits

Plan Name: **Workspace: Assembly>>TeamMap_6_10_11**

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Census Geography: County

Total Number of Split Districts: **99**

228 County Spits

Adams(County) 001 In Adams County	2 Splits	Population	20,875	Voting Age Population:	17,454
Split Number 1	District Number 41				
Split Number 2	District Number 72				
Barron(County) 005 In Barron County	2 Splits	Population	45,870	Voting Age Population:	35,720
Split Number 1	District Number 67				
Split Number 2	District Number 75				
Brown(County) 009 In Brown County	8 Splits	Population	248,007	Voting Age Population:	186,184
Split Number 1	District Number 1				
Split Number 2	District Number 2				
Split Number 3	District Number 4				
Split Number 4	District Number 5				
Split Number 5	District Number 6				
Split Number 6	District Number 88				
Split Number 7	District Number 89				
Split Number 8	District Number 90				
Buffalo(County) 011 In Buffalo County	2 Splits	Population	13,587	Voting Age Population:	10,566
Split Number 1	District Number 92				
Split Number 2	District Number 93				
Burnett(County) 013 In Burnett County	3 Splits	Population	15,457	Voting Age Population:	12,375
Split Number 1	District Number 28				
Split Number 2	District Number 73				
Split Number 3	District Number 75				
Calumet(County) 015 In Calumet County	4 Splits	Population	48,971	Voting Age Population:	35,733
Split Number 1	District Number 3				
Split Number 2	District Number 25				
Split Number 3	District Number 27				
Split Number 4	District Number 59				
Chippewa(County) 017 In Chippewa County	3 Splits	Population	62,415	Voting Age Population:	47,706
Split Number 1	District Number 67				
Split Number 2	District Number 68				
Split Number 3	District Number 91				
Clark(County) 019 In Clark County	3 Splits	Population	34,690	Voting Age Population:	24,599
Split Number 1	District Number 68				
Split Number 2	District Number 69				
Split Number 3	District Number 87				
Columbia(County) 021 In Columbia County	4 Splits	Population	56,833	Voting Age Population:	43,566
Split Number 1	District Number 37				
Split Number 2	District Number 41				
Split Number 3	District Number 42				



Census Geography Splits

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Split Number 4 District Number 81

Dane(County) |025 In Dane County 13 Splits Population 488,073 Voting Age Population: 381,989

- Split Number 1 District Number 37
- Split Number 2 District Number 38
- Split Number 3 District Number 42
- Split Number 4 District Number 43
- Split Number 5 District Number 46
- Split Number 6 District Number 47
- Split Number 7 District Number 48
- Split Number 8 District Number 76
- Split Number 9 District Number 77
- Split Number 10 District Number 78
- Split Number 11 District Number 79
- Split Number 12 District Number 80
- Split Number 13 District Number 81

Dodge(County) |027 In Dodge County 4 Splits Population 88,759 Voting Age Population: 69,180

- Split Number 1 District Number 37
- Split Number 2 District Number 39
- Split Number 3 District Number 42
- Split Number 4 District Number 53

Douglas(County) |031 In Douglas County 2 Splits Population 44,159 Voting Age Population: 34,694

- Split Number 1 District Number 73
- Split Number 2 District Number 74

Dunn(County) |033 In Dunn County 4 Splits Population 43,857 Voting Age Population: 34,798

- Split Number 1 District Number 29
- Split Number 2 District Number 67
- Split Number 3 District Number 75
- Split Number 4 District Number 93

Eau Claire(County) |035 In Eau Claire County 3 Splits Population 98,736 Voting Age Population: 77,864

- Split Number 1 District Number 68
- Split Number 2 District Number 91
- Split Number 3 District Number 93

Fond du Lac(County) |039 In Fond du Lac County 5 Splits Population 101,633 Voting Age Population: 78,589

- Split Number 1 District Number 41
- Split Number 2 District Number 42
- Split Number 3 District Number 52
- Split Number 4 District Number 53
- Split Number 5 District Number 59

Forest(County) |041 In Forest County 2 Splits Population 9,304 Voting Age Population: 7,261

- Split Number 1 District Number 34
- Split Number 2 District Number 36

Green Lake(County) |047 In Green Lake County 2 Splits Population 19,051 Voting Age Population: 14,663

- Split Number 1 District Number 41
- Split Number 2 District Number 42

Green(County) |045 In Green County 3 Splits Population 36,842 Voting Age Population: 27,889

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Census Geography Splits

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Split Number	1	District Number	45
Split Number	2	District Number	51
Split Number	3	District Number	80

Iowa(County) 049 In Iowa County	4 Splits	Population	23,687	Voting Age Population:	17,798
Split Number	1	District Number	49		
Split Number	2	District Number	51		
Split Number	3	District Number	80		
Split Number	4	District Number	81		
Jackson(County) 053 In Jackson County	3 Splits	Population	20,449	Voting Age Population:	15,818
Split Number	1	District Number	68		
Split Number	2	District Number	70		
Split Number	3	District Number	92		
Jefferson(County) 055 In Jefferson County	4 Splits	Population	83,686	Voting Age Population:	63,829
Split Number	1	District Number	33		
Split Number	2	District Number	37		
Split Number	3	District Number	38		
Split Number	4	District Number	43		
Juneau(County) 057 In Juneau County	2 Splits	Population	26,664	Voting Age Population:	20,991
Split Number	1	District Number	41		
Split Number	2	District Number	50		
Kenosha(County) 059 In Kenosha County	4 Splits	Population	166,426	Voting Age Population:	123,597
Split Number	1	District Number	32		
Split Number	2	District Number	61		
Split Number	3	District Number	64		
Split Number	4	District Number	65		
La Crosse(County) 063 In La Crosse County	2 Splits	Population	114,638	Voting Age Population:	90,176
Split Number	1	District Number	94		
Split Number	2	District Number	95		
Lafayette(County) 065 In Lafayette County	2 Splits	Population	16,836	Voting Age Population:	12,487
Split Number	1	District Number	49		
Split Number	2	District Number	51		
Langlade(County) 067 In Langlade County	2 Splits	Population	19,977	Voting Age Population:	15,762
Split Number	1	District Number	35		
Split Number	2	District Number	36		
Manitowoc(County) 071 In Manitowoc County	4 Splits	Population	81,442	Voting Age Population:	63,232
Split Number	1	District Number	1		
Split Number	2	District Number	2		
Split Number	3	District Number	25		
Split Number	4	District Number	27		
Marathon(County) 073 In Marathon County	5 Splits	Population	134,063	Voting Age Population:	101,194
Split Number	1	District Number	35		
Split Number	2	District Number	69		
Split Number	3	District Number	85		
Split Number	4	District Number	86		



Census Geography Splits

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Split Number 5 District Number 87

Marinette(County) |075 In Marinette County 2 Splits

Population 41,749 Voting Age Population: 33,182

Split Number 1 District Number 36

Split Number 2 District Number 89

Marquette(County) |077 In Marquette County 2 Splits

Population 15,404 Voting Age Population: 12,319

Split Number 1 District Number 41

Split Number 2 District Number 42

Milwaukee(County) |079 In Milwaukee County 21 Splits

Population 947,735 Voting Age Population: 711,358

Split Number 1 District Number 7

Split Number 2 District Number 8

Split Number 3 District Number 9

Split Number 4 District Number 10

Split Number 5 District Number 11

Split Number 6 District Number 12

Split Number 7 District Number 13

Split Number 8 District Number 14

Split Number 9 District Number 15

Split Number 10 District Number 16

Split Number 11 District Number 17

Split Number 12 District Number 18

Split Number 13 District Number 19

Split Number 14 District Number 20

Split Number 15 District Number 21

Split Number 16 District Number 22

Split Number 17 District Number 23

Split Number 18 District Number 24

Split Number 19 District Number 82

Split Number 20 District Number 83

Split Number 21 District Number 84

Monroe(County) |081 In Monroe County 3 Splits

Population 44,673 Voting Age Population: 33,003

Split Number 1 District Number 50

Split Number 2 District Number 70

Split Number 3 District Number 96

Oconto(County) |083 In Oconto County 3 Splits

Population 37,660 Voting Age Population: 29,228

Split Number 1 District Number 6

Split Number 2 District Number 36

Split Number 3 District Number 89

Oneida(County) |085 In Oneida County 2 Splits

Population 35,998 Voting Age Population: 29,359

Split Number 1 District Number 34

Split Number 2 District Number 35

Outagamie(County) |087 In Outagamie County 8 Splits

Population 176,695 Voting Age Population: 132,271

Split Number 1 District Number 2

Split Number 2 District Number 3

Split Number 3 District Number 5

Split Number 4 District Number 6

Split Number 5 District Number 40



Census Geography Splits

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Split Number	6	District Number	55
Split Number	7	District Number	56
Split Number	8	District Number	57

Ozaukee(County) 089 In Ozaukee County	3 Splits	Population	86,395	Voting Age Population:	66,023
Split Number	1	District Number	23		
Split Number	2	District Number	24		
Split Number	3	District Number	60		

Pierce(County) 093 In Pierce County	2 Splits	Population	41,019	Voting Age Population:	31,860
Split Number	1	District Number	30		
Split Number	2	District Number	93		

Polk(County) 095 In Polk County	2 Splits	Population	44,205	Voting Age Population:	33,705
Split Number	1	District Number	28		
Split Number	2	District Number	75		

Portage(County) 097 In Portage County	3 Splits	Population	70,019	Voting Age Population:	55,472
Split Number	1	District Number	70		
Split Number	2	District Number	71		
Split Number	3	District Number	72		

Racine(County) 101 In Racine County	6 Splits	Population	195,408	Voting Age Population:	146,898
Split Number	1	District Number	32		
Split Number	2	District Number	62		
Split Number	3	District Number	63		
Split Number	4	District Number	64		
Split Number	5	District Number	66		
Split Number	6	District Number	83		

Richland(County) 103 In Richland County	3 Splits	Population	18,021	Voting Age Population:	13,821
Split Number	1	District Number	49		
Split Number	2	District Number	50		
Split Number	3	District Number	51		

Rock(County) 105 In Rock County	4 Splits	Population	160,331	Voting Age Population:	120,148
Split Number	1	District Number	31		
Split Number	2	District Number	43		
Split Number	3	District Number	44		
Split Number	4	District Number	45		

Sauk(County) 111 In Sauk County	4 Splits	Population	61,976	Voting Age Population:	47,209
Split Number	1	District Number	41		
Split Number	2	District Number	50		
Split Number	3	District Number	51		
Split Number	4	District Number	81		

Sawyer(County) 113 In Sawyer County	2 Splits	Population	16,557	Voting Age Population:	13,103
Split Number	1	District Number	74		
Split Number	2	District Number	87		

Shawano(County) 115 In Shawano County	4 Splits	Population	41,949	Voting Age Population:	32,387
Split Number	1	District Number	6		
Split Number	2	District Number	35		



Census Geography Splits

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Split Number 3 District Number 36
 Split Number 4 District Number 40

Sheboygan(County) |117 In Sheboygan County 3 Splits

Population 115,507 Voting Age Population: 87,925

Split Number 1 District Number 26
 Split Number 2 District Number 27
 Split Number 3 District Number 59

St. Croix(County) |109 In St. Croix County 5 Splits

Population 84,345 Voting Age Population: 61,462

Split Number 1 District Number 28
 Split Number 2 District Number 29
 Split Number 3 District Number 30
 Split Number 4 District Number 75
 Split Number 5 District Number 93

Trempealeau(County) |121 In Trempealeau Count 2 Splits

Population 28,816 Voting Age Population: 21,831

Split Number 1 District Number 68
 Split Number 2 District Number 92

Vernon(County) |123 In Vernon County 2 Splits

Population 29,773 Voting Age Population: 21,895

Split Number 1 District Number 50
 Split Number 2 District Number 96

Vilas(County) |125 In Vilas County 2 Splits

Population 21,430 Voting Age Population: 17,621

Split Number 1 District Number 34
 Split Number 2 District Number 74

Walworth(County) |127 In Walworth County 6 Splits

Population 102,228 Voting Age Population: 78,228

Split Number 1 District Number 31
 Split Number 2 District Number 32
 Split Number 3 District Number 33
 Split Number 4 District Number 43
 Split Number 5 District Number 63
 Split Number 6 District Number 83

Washburn(County) |129 In Washburn County 2 Splits

Population 15,911 Voting Age Population: 12,679

Split Number 1 District Number 73
 Split Number 2 District Number 75

Washington(County) |131 In Washington County 6 Splits

Population 131,887 Voting Age Population: 99,510

Split Number 1 District Number 22
 Split Number 2 District Number 24
 Split Number 3 District Number 39
 Split Number 4 District Number 58
 Split Number 5 District Number 59
 Split Number 6 District Number 60

Waukesha(County) |133 In Waukesha County 12 Splits

Population 389,891 Voting Age Population: 296,081

Split Number 1 District Number 13
 Split Number 2 District Number 14
 Split Number 3 District Number 15
 Split Number 4 District Number 22
 Split Number 5 District Number 24
 Split Number 6 District Number 33

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Census Geography Splits

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Split Number	7	District Number	38
Split Number	8	District Number	83
Split Number	9	District Number	84
Split Number	10	District Number	97
Split Number	11	District Number	98
Split Number	12	District Number	99

Waupaca(County) 135 In Waupaca County	2 Splits	Population	52,410	Voting Age Population:	40,540
Split Number	1	District Number	6		
Split Number	2	District Number	40		

Waushara(County) 137 In Waushara County	3 Splits	Population	24,496	Voting Age Population:	19,662
Split Number	1	District Number	40		
Split Number	2	District Number	41		
Split Number	3	District Number	72		

Winnebago(County) 139 In Winnebago County	4 Splits	Population	166,994	Voting Age Population:	130,862
Split Number	1	District Number	53		
Split Number	2	District Number	54		
Split Number	3	District Number	55		
Split Number	4	District Number	57		

Wood(County) 141 In Wood County	4 Splits	Population	74,749	Voting Age Population:	57,745
Split Number	1	District Number	69		
Split Number	2	District Number	70		
Split Number	3	District Number	72		
Split Number	4	District Number	86		

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Census Geography Splits

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Wed
Afternoon

Census Geography: Townships - MCDs

Total Number of Split Districts: 79

156 Townships - MCDs Splits

Appleton(Townships - MCDs) 087 In Outagamie 2 Splits	Population	60,045	Voting Age Population:	45,329
Split Number 1 District Number 56				
Split Number 2 District Number 57				
Beloit(Townships - MCDs) 105 In Rock County 2 Splits	Population	7,662	Voting Age Population:	6,000
Split Number 1 District Number 31				
Split Number 2 District Number 31				
Split Number 3 District Number 45				
Split Number 4 District Number 45				
Brookfield(Townships - MCDs) 133 In Waukesha 2 Splits	Population	6,116	Voting Age Population:	4,974
Split Number 1 District Number 13				
Split Number 2 District Number 13				
Split Number 3 District Number 14				
Split Number 4 District Number 14				
Burlington(Townships - MCDs) 101 In Racine Co 2 Splits	Population	6,502	Voting Age Population:	4,992
Split Number 1 District Number 32				
Split Number 2 District Number 63				
Caledonia(Townships - MCDs) 101 In Racine Co 2 Splits	Population	24,705	Voting Age Population:	19,118
Split Number 1 District Number 62				
Split Number 2 District Number 63				
Calumet(Townships - MCDs) 039 In Fond du Lac 2 Splits	Population	1,470	Voting Age Population:	1,179
Split Number 1 District Number 52				
Split Number 2 District Number 59				
Cottage Grove(Townships - MCDs) 025 In Dane (2 Splits	Population	3,875	Voting Age Population:	3,013
Split Number 1 District Number 46				
Split Number 2 District Number 47				
De Pere(Townships - MCDs) 009 In Brown Count 2 Splits	Population	23,800	Voting Age Population:	18,133
Split Number 1 District Number 2				
Split Number 2 District Number 88				
DeForest(Townships - MCDs) 025 In Dane Count 2 Splits	Population	8,936	Voting Age Population:	6,341
Split Number 1 District Number 37				
Split Number 2 District Number 42				
Dunkirk(Townships - MCDs) 025 In Dane County 2 Splits	Population	1,945	Voting Age Population:	1,531
Split Number 1 District Number 43				
Split Number 2 District Number 46				
Er Troy(Townships - MCDs) 127 In Walworth C 3 Splits	Population	4,021	Voting Age Population:	3,144
Split Number 1 District Number 32				
Split Number 2 District Number 33				
Split Number 3 District Number 83				



Census Geography Splits

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Eau Claire(Townships - MCDs) 017 In Chippewa 2 Splits	Population	1,981	Voting Age Population:	1,423
Split Number 1 District Number 68				
Split Number 2 District Number 91				
Eau Claire(Townships - MCDs) 035 In Eau Claire 3 Splits	Population	63,902	Voting Age Population:	51,732
Split Number 1 District Number 68				
Split Number 2 District Number 91				
Split Number 3 District Number 93				
Fitchburg(Townships - MCDs) 025 In Dane Coun 2 Splits	Population	25,260	Voting Age Population:	19,074
Split Number 1 District Number 47				
Split Number 2 District Number 80				
Franklin(Townships - MCDs) 079 In Milwaukee C 3 Splits	Population	35,451	Voting Age Population:	27,800
Split Number 1 District Number 21				
Split Number 2 District Number 82				
Split Number 3 District Number 83				
Genesee(Townships - MCDs) 133 In Waukesha C 2 Splits	Population	7,340	Voting Age Population:	5,611
Split Number 1 District Number 97				
Split Number 2 District Number 98				
Glendale(Townships - MCDs) 079 In Milwaukee (2 Splits	Population	12,872	Voting Age Population:	10,464
Split Number 1 District Number 11				
Split Number 2 District Number 24				
Grant(Townships - MCDs) 097 In Portage County 2 Splits	Population	1,906	Voting Age Population:	1,477
Split Number 1 District Number 71				
Split Number 2 District Number 72				
Green Bay(Townships - MCDs) 009 In Brown Co 4 Splits	Population	104,057	Voting Age Population:	78,373
Split Number 1 District Number 1				
Split Number 2 District Number 4				
Split Number 3 District Number 88				
Split Number 4 District Number 90				
Greenfield(Townships - MCDs) 079 In Milwaukee 3 Splits	Population	36,720	Voting Age Population:	30,268
Split Number 1 District Number 7				
Split Number 2 District Number 82				
Split Number 3 District Number 84				
Greenville(Townships - MCDs) 087 In Outagamie 2 Splits	Population	10,309	Voting Age Population:	7,247
Split Number 1 District Number 55				
Split Number 2 District Number 56				
Harmony(Townships - MCDs) 105 In Rock Count 2 Splits	Population	2,569	Voting Age Population:	1,872
Split Number 1 District Number 31				
Split Number 2 District Number 44				
Hartford(Townships - MCDs) 131 In Washington 2 Splits	Population	14,223	Voting Age Population:	10,456
Split Number 1 District Number 39				
Split Number 2 District Number 59				
Howard(Townships - MCDs) 009 In Brown Count 3 Splits	Population	17,399	Voting Age Population:	12,756



Census Geography Splits

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Split Number 1 District Number 4
 Split Number 2 District Number 5
 Split Number 3 District Number 89

Janesville(Townships - MCDs) |105 In Rock Coun 4 Splits Population 63,575 Voting Age Population: 47,843

Split Number 1 District Number 31
 Split Number 2 District Number 43
 Split Number 3 District Number 44
 Split Number 4 District Number 45

Kenosha(Townships - MCDs) |059 In Kenosha Cc 2 Splits Population 99,218 Voting Age Population: 72,597

Split Number 1 District Number 64
 Split Number 2 District Number 65

Koshkonong(Townships - MCDs) |055 In Jefferso 2 Splits Population 3,692 Voting Age Population: 2,869

Split Number 1 District Number 33
 Split Number 2 District Number 43

Ledgeview(Townships - MCDs) |009 In Brown Co 2 Splits Population 6,555 Voting Age Population: 4,569

Split Number 1 District Number 2
 Split Number 2 District Number 88

Lisbon(Townships - MCDs) |133 In Waukesha Co 2 Splits Population 10,157 Voting Age Population: 7,625

Split Number 1 District Number 22
 Split Number 2 District Number 99

Little Chute(Townships - MCDs) |087 In Outagam 2 Splits Population 10,449 Voting Age Population: 7,894

Split Number 1 District Number 3
 Split Number 2 District Number 5

Lowell(Townships - MCDs) |027 In Dodge County 2 Splits Population 1,190 Voting Age Population: 893

Split Number 1 District Number 37
 Split Number 2 District Number 39

Madison(Townships - MCDs) |025 In Dane Count 5 Splits Population 233,209 Voting Age Population: 192,471

Split Number 1 District Number 47
 Split Number 2 District Number 48
 Split Number 3 District Number 76
 Split Number 4 District Number 77
 Split Number 5 District Number 78

Marshfield(Townships - MCDs) |141 In Wood Cou 2 Splits Population 18,218 Voting Age Population: 14,371

Split Number 1 District Number 69
 Split Number 2 District Number 86

Meeme(Townships - MCDs) |071 In Manitowoc Cr 2 Splits Population 1,446 Voting Age Population: 1,138

Split Number 1 District Number 25
 Split Number 2 District Number 27

Menasha(Townships - MCDs) |139 In Winnebago 2 Splits Population 18,498 Voting Age Population: 14,389

Split Number 1 District Number 55
 Split Number 2 District Number 57

Menomonee Falls(Townships - MCDs) |133 In Wa 2 Splits Population 35,626 Voting Age Population: 27,434

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Census Geography Splits

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Split Number 1 District Number 22
 Split Number 2 District Number 24

Mequon(Townships - MCDs) |089 In Ozaukee Co| 2 Splits

Population 23,132 Voting Age Population: 17,793

Split Number 1 District Number 23
 Split Number 2 District Number 24

Milwaukee(Townships - MCDs) |079 In Milwaukee| 15 Splits

Population 594,833 Voting Age Population: 433,486

Split Number 1 District Number 7
 Split Number 2 District Number 8
 Split Number 3 District Number 9
 Split Number 4 District Number 10
 Split Number 5 District Number 11
 Split Number 6 District Number 12
 Split Number 7 District Number 13
 Split Number 8 District Number 14
 Split Number 9 District Number 16
 Split Number 10 District Number 17
 Split Number 11 District Number 18
 Split Number 12 District Number 19
 Split Number 13 District Number 20
 Split Number 14 District Number 22
 Split Number 15 District Number 84

Mount Pleasant(Townships - MCDs) |045 In Green| 2 Splits

Population 598 Voting Age Population: 462

Split Number 1 District Number 45
 Split Number 2 District Number 80

Mount Pleasant(Townships - MCDs) |101 In Racine| 3 Splits

Population 26,197 Voting Age Population: 20,818

Split Number 1 District Number 62
 Split Number 2 District Number 63
 Split Number 3 District Number 64

Mukwonago(Townships - MCDs) |127 In Walworth| 2 Splits

Population 101 Voting Age Population: 67

Split Number 1 District Number 32
 Split Number 2 District Number 33

Mukwonago(Townships - MCDs) |133 In Waukesha| 2 Splits

Population 7,959 Voting Age Population: 5,785

Split Number 1 District Number 33
 Split Number 2 District Number 97

New Berlin(Townships - MCDs) |133 In Waukesha| 2 Splits

Population 39,584 Voting Age Population: 31,147

Split Number 1 District Number 15
 Split Number 2 District Number 84

Oregon(Townships - MCDs) |025 In Dane County| 2 Splits

Population 9,231 Voting Age Population: 6,592

Split Number 1 District Number 43
 Split Number 2 District Number 80

Oshkosh(Townships - MCDs) |139 In Winnebago| 2 Splits

Population 66,083 Voting Age Population: 53,791

Split Number 1 District Number 53
 Split Number 2 District Number 54

Racine(Townships - MCDs) |101 In Racine County| 3 Splits

Population 78,860 Voting Age Population: 56,852

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Census Geography Splits

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Split Number	1	District Number	62
Split Number	2	District Number	64
Split Number	3	District Number	66

Richfield(Townships - MCDs) 131 In Washington 2 Splits	Population	11,300	Voting Age Population:	8,596
Split Number 1	District Number	22		
Split Number 2	District Number	58		
Richmond(Townships - MCDs) 109 In St. Croix C 2 Splits	Population	3,272	Voting Age Population:	2,245
Split Number 1	District Number	29		
Split Number 2	District Number	30		
Rutland(Townships - MCDs) 025 In Dane County 2 Splits	Population	1,966	Voting Age Population:	1,553
Split Number 1	District Number	43		
Split Number 2	District Number	47		
Sheboygan(Townships - MCDs) 117 In Sheboygan 2 Splits	Population	49,288	Voting Age Population:	36,837
Split Number 1	District Number	26		
Split Number 2	District Number	27		
Shelby(Townships - MCDs) 063 In La Crosse Co 2 Splits	Population	4,715	Voting Age Population:	3,696
Split Number 1	District Number	94		
Split Number 2	District Number	95		
Sims(Townships - MCDs) 059 In Kenosha Co 2 Splits	Population	9,597	Voting Age Population:	7,785
Split Number 1	District Number	61		
Split Number 2	District Number	64		
Summit(Townships - MCDs) 133 In Waukesha Co 2 Splits	Population	4,674	Voting Age Population:	3,441
Split Number 1	District Number	38		
Split Number 2	District Number	98		
Trenton(Townships - MCDs) 131 In Washington 2 Splits	Population	4,732	Voting Age Population:	3,603
Split Number 1	District Number	58		
Split Number 2	District Number	60		
Verona(Townships - MCDs) 025 In Dane County 2 Splits	Population	1,948	Voting Age Population:	1,503
Split Number 1	District Number	79		
Split Number 2	District Number	79		
Split Number 3	District Number	80		
Split Number 4	District Number	80		
Waukesha(Townships - MCDs) 133 In Waukesha 3 Splits	Population	9,133	Voting Age Population:	7,004
Split Number 1	District Number	83		
Split Number 2	District Number	97		
Split Number 3	District Number	97		
Split Number 4	District Number	99		
Wauwatosa(Townships - MCDs) 079 In Milwaukee 3 Splits	Population	46,396	Voting Age Population:	36,230
Split Number 1	District Number	12		
Split Number 2	District Number	13		
Split Number 3	District Number	14		
West Allis(Townships - MCDs) 079 In Milwaukee 3 Splits	Population	60,411	Voting Age Population:	48,003



Census Geography Splits

6/15/2011

Plan Name: Workspace: Assembly>>TeamMap_6_10_11

Plan Last Edited on: 6/15/2011 10:52:14 AM

Split Number	1	District Number	7
Split Number	2	District Number	13
Split Number	3	District Number	15

Windsor(Townships - MCDs) 025 In Dane County	3 Splits	Population	6,345	Voting Age Population:	4,772
Split Number	1	District Number	37		
Split Number	2	District Number	42		
Split Number	3	District Number	79		



Census Geography Splits

Plan Name: Workspace: Assembly>>TeamMap_6_10_11

Plan Last Edited on: 6/15/2011 10:52:14 AM

6/15/2011

Please Note: *Report Totals are not provided as a district split are reported for each neighboring district. As such the same geography may be represented for several districts. For example if County "A" is split between districts 1, 3 and 5, it is reported as a split for each district.*

OLD

Handrick
 EXHIBIT NO. 2-A
 12-20-11 RPTR **CH**
 For the Record, Inc.
 (608) 833-0392

Population Totals

DISTRICT	TAPERSONS	Target	Dev.	Difference	BLACK	HISPANIC	black18pct	hispanic18pct
1	54189	57,444	-5.7%	-3,255	334	1,225	0.37%	1.61%
2	61009	57,444	6.2%	3,565	508	2,170	0.47%	2.56%
3	65789	57,444	14.5%	8,345	591	1,948	0.49%	2.18%
4	54953	57,444	-4.3%	-2,491	1,388	1,379	2.24%	1.80%
5	61133	57,444	6.4%	3,689	563	1,560	0.58%	1.79%
6	55963	57,444	-2.6%	-1,481	185	1,306	0.20%	1.75%
7	55825	57,444	-2.8%	-1,619	1,880	6,512	2.53%	8.97%
8	54616	57,444	-4.9%	-2,828	5,572	38,054	9.08%	65.50%
9	60880	57,444	6.0%	3,436	3,306	32,748	4.60%	46.18%
10	51419	57,444	-10.5%	-6,025	36,797	2,874	67.43%	4.79%
11	52178	57,444	-9.2%	-5,266	41,052	1,755	75.84%	2.91%
12	55275	57,444	-3.8%	-2,169	29,999	2,074	48.99%	3.09%
13	53867	57,444	-6.2%	-3,577	5,872	3,618	9.45%	5.11%
14	52656	57,444	-8.3%	-4,788	1,790	1,973	2.53%	2.80%
15	53448	57,444	-7.0%	-3,996	2,187	5,441	3.10%	7.41%
16	52510	57,444	-8.6%	-4,934	32,874	3,114	55.87%	5.57%
17	51861	57,444	-9.7%	-5,583	39,739	1,738	74.11%	2.84%
18	48387	57,444	-15.8%	-9,057	30,633	3,407	58.85%	6.44%
19	56827	57,444	-1.1%	-617	3,277	4,639	5.23%	6.33%
20	54999	57,444	-4.3%	-2,445	1,575	7,006	2.23%	9.87%
21	60177	57,444	4.8%	2,733	1,714	4,945	2.24%	6.49%
22	53017	57,444	-7.7%	-4,427	5,256	1,644	8.26%	2.52%
23	55249	57,444	-3.8%	-2,195	12,686	2,302	19.74%	3.41%
24	57065	57,444	-0.7%	-379	1,572	1,180	2.21%	1.40%
25	53380	57,444	-7.1%	-4,064	484	2,249	0.53%	2.96%
26	52702	57,444	-8.3%	-4,742	1,219	4,949	1.53%	7.02%
27	56118	57,444	-2.3%	-1,326	330	1,225	0.42%	1.55%
28	59273	57,444	3.2%	1,829	344	962	0.29%	1.22%
29	66814	57,444	16.3%	9,370	636	1,113	0.69%	1.35%
30	66560	57,444	15.9%	9,116	668	1,235	0.70%	1.47%
31	61755	57,444	7.5%	4,311	452	2,822	0.45%	3.42%
32	60157	57,444	4.7%	2,713	605	7,877	0.72%	10.07%
33	59460	57,444	3.5%	2,016	694	1,771	0.64%	2.18%
34	53812	57,444	-6.3%	-3,632	262	626	0.37%	0.81%
35	52716	57,444	-8.2%	-4,728	337	755	0.30%	0.98%
36	50788	57,444	-11.6%	-6,656	242	888	0.31%	1.22%
37	58965	57,444	2.6%	1,521	507	3,527	0.61%	4.50%
38	59797	57,444	4.1%	2,353	536	2,472	0.53%	3.17%
39	56515	57,444	-1.6%	-929	1,043	2,663	1.85%	3.59%
40	55223	57,444	-3.9%	-2,221	227	1,477	0.27%	1.95%
41	55581	57,444	-3.2%	-1,863	687	2,324	1.26%	3.04%
42	57975	57,444	0.9%	531	997	2,219	1.63%	3.03%
43	57584	57,444	0.2%	140	1,461	3,108	2.31%	4.00%
44	53057	57,444	-7.6%	-4,387	1,987	3,130	2.57%	4.35%
45	59610	57,444	3.8%	2,166	6,303	7,151	8.79%	9.10%
46	65835	57,444	14.6%	8,391	2,860	2,014	2.82%	2.40%
47	61700	57,444	7.4%	4,256	688	1,856	0.67%	2.23%
48	61400	57,444	6.9%	3,956	4,128	4,074	4.75%	5.09%
49	55456	57,444	-3.5%	-1,988	672	699	1.18%	1.07%
50	59182	57,444	3.0%	1,738	795	1,482	1.29%	1.92%
51	57753	57,444	0.5%	309	321	1,816	0.28%	2.38%
52	56377	57,444	-1.9%	-1,067	1,407	3,136	1.91%	4.31%
53	59677	57,444	3.9%	2,233	2,831	1,092	5.49%	1.31%

Population Totals

54	54863	57,444	-4.5%	-2,581	1,072	1,546	1.40%	2.10%
55	54157	57,444	-5.7%	-3,287	1,047	3,242	1.15%	4.30%
56	67841	57,444	18.1%	10,397	631	2,002	0.59%	2.35%
57	53999	57,444	-6.0%	-3,445	1,238	2,524	1.60%	3.57%
58	60111	57,444	4.6%	2,667	641	1,732	0.60%	2.13%
59	58855	57,444	2.5%	1,411	810	1,246	1.43%	1.53%
60	57434	57,444	0.0%	-10	632	1,233	0.77%	1.63%
61	51968	57,444	-9.5%	-5,476	12,871	11,514	21.92%	18.08%
62	55886	57,444	-2.7%	-1,558	8,675	7,050	13.79%	9.92%
63	58881	57,444	2.5%	1,437	1,289	2,554	1.85%	3.27%
64	56844	57,444	-1.0%	-600	7,072	10,581	10.05%	14.64%
65	61608	57,444	7.2%	4,164	4,188	6,836	5.36%	8.67%
66	61567	57,444	7.2%	4,123	1,029	3,236	1.35%	4.06%
67	58722	57,444	2.2%	1,278	489	696	0.61%	0.89%
68	59129	57,444	2.9%	1,685	697	907	0.68%	1.14%
69	59102	57,444	2.9%	1,658	799	2,026	1.51%	2.91%
70	53904	57,444	-6.2%	-3,540	337	1,122	0.32%	1.55%
71	57415	57,444	-0.1%	-29	563	1,944	0.67%	2.49%
72	55764	57,444	-2.9%	-1,680	958	1,593	1.61%	2.28%
73	54962	57,444	-4.3%	-2,482	767	636	0.91%	0.85%
74	52623	57,444	-8.4%	-4,821	238	759	0.31%	1.00%
75	54961	57,444	-4.3%	-2,483	534	956	0.72%	1.27%
76	61547	57,444	7.1%	4,103	5,686	6,078	6.75%	7.86%
77	51957	57,444	-9.6%	-5,487	2,960	2,749	4.11%	4.42%
78	55031	57,444	-4.2%	-2,413	5,212	5,171	7.87%	7.48%
79	76164	57,444	32.6%	18,720	2,760	3,673	2.95%	4.04%
80	60352	57,444	5.1%	2,908	516	1,652	0.47%	2.12%
81	61351	57,444	6.8%	3,907	4,572	3,230	5.57%	4.12%
82	60035	57,444	4.5%	2,591	2,151	2,761	3.73%	3.58%
83	61206	57,444	6.5%	3,762	304	1,518	0.29%	1.75%
84	56225	57,444	-2.1%	-1,219	635	1,926	0.81%	2.66%
85	54856	57,444	-4.5%	-2,588	841	1,371	0.92%	1.80%
86	59763	57,444	4.0%	2,319	325	938	0.27%	1.13%
87	52712	57,444	-8.2%	-4,732	217	705	0.17%	0.98%
88	58089	57,444	1.1%	645	2,531	10,470	3.26%	13.88%
89	58999	57,444	2.7%	1,555	279	767	0.27%	0.99%
90	56344	57,444	-1.9%	-1,100	1,998	3,536	2.41%	4.41%
91	56651	57,444	-1.4%	-793	199	2,066	0.19%	2.81%
92	58894	57,444	2.5%	1,450	1,011	1,841	1.64%	2.29%
93	57822	57,444	0.7%	378	762	1,119	0.85%	1.51%
94	62641	57,444	9.0%	5,197	690	750	0.57%	0.89%
95	53998	57,444	-6.0%	-3,446	1,534	1,038	1.97%	1.54%
96	55740	57,444	-3.0%	-1,704	569	925	0.85%	1.26%
97	57299	57,444	-0.3%	-145	1,729	7,661	2.16%	10.73%
98	56450	57,444	-1.7%	-994	820	1,311	1.16%	1.75%
99	63750	57,444	11.0%	6,306	709	1,541	0.79%	1.76%
Unassigned								

Districts that have been cleaned up through Thursday night are

RED

1	28	55	82
2	29	56	83
3	30	57	84
4	31	58	85
5	32	59	86
6	33	60	87
7	34	61	88
8	35	62	89
9	36	63	90
10	37	64	91
11	38	65	92
12	39	66	93
13	40	67	94
14	41	68	95
15	42	69	96
16	43	70	97
17	44	71	98
18	45	72	99
19	46	73	
20	47	74	
21	48	75	
22	49	76	
23	50	77	
24	51	78	
25	52	79	
26	53	80	
27	54	81	

Districts that have been cleaned up through Thursday night are

RED

1	28	55	82
2	29	56	83
3	30	57	84
4	31	58	85
5	32	59	86
6	33	60	87
7	34	61	88
8	35	62	89
9	36	63	90
10	37	64	91
11	38	65	92
12	39	66	93
13	40	67	94
14	41	68	95
15	42	69	96
16	43	70	97
17	44	71	98
18	45	72	99
19	46	73	
20	47	74	
21	48	75	
22	49	76	
23	50	77	
24	51	78	
25	52	79	
26	53	80	
27	54	81	

1 EDL = ~~Calhoun~~

Adams = \emptyset

Ashland = \emptyset

Bayfield = \emptyset

Burnett = \emptyset

Burr = \emptyset

4

Brown = Green Bay / Howard / DePere / Ladysmith

Buffalo = \emptyset

Burnett = \emptyset

1

Calhoun = Menasha Co.

Chippewa = \emptyset

Clark = \emptyset

Columbia = \emptyset

Crawford = \emptyset Oregon / Rutland

9

Dane = Madison / Winsor / DeForest / Westport / Cross Plains / Fitch / Dunn

1

Dodge = Lowell

Doo = \emptyset

Douglas = \emptyset

Dunn = \emptyset

1

EC = Eau Claire

Florence = \emptyset

Forest = \emptyset

Grant = \emptyset

Green Lake = \emptyset

Iron = \emptyset

Jackson = \emptyset

1

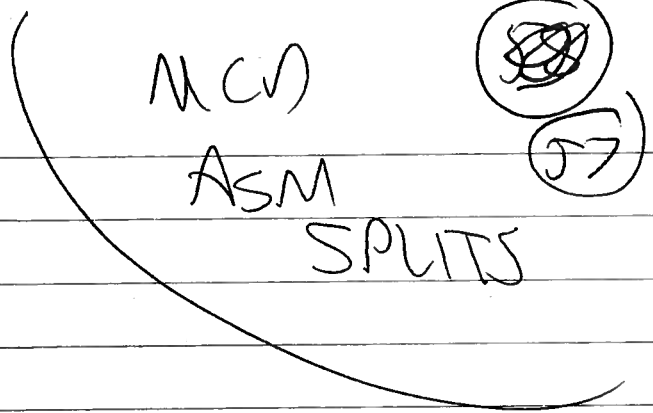
Jefferson = Koshong

Juneau = \emptyset

2

Kenosha = Kenosha / Somers

Kewaunee = \emptyset



1 LAX = Shelby
Lafayette = Ø
Laney = Ø
Lincoln = Ø

1 MAN = Maame
Marathon = Ø
Marietta = Ø
MEN = Ø

6 MCE = Mke / Glendale / Greenfield / Tara / Franklin / WALK
Munroe = Ø
Oconto = Ø
Oneida = Ø

3 Outagamie = Appleton / Greenville / Little Chute / Ø
1 Oconto = Mequan
Pepin = Ø
Pierce = Ø
Polk = Ø

1 Portage = Grant
Price = Ø

Wernon = Ø
Vilas = Ø

3 Racine = Ruess / Mt Pleasant / Burlington
Richland = Viola

1 Washburn = Troy

3 Rock = Jones / Bel / T Bel /
Rock = Ø
St Croix = Ø

3 Wash = Trenton / Rich / CHAT
~~Washburn~~ = Ø

Ø = Sauk C. Drake / N. Des Moines / Waukegan / Waukegan /
General Market

Wausau = Summit / Lisbon / ^M ~~Rock~~ / ^T ~~Rock~~

(10)

2 Sawyer = Ø
Shelburne = She (~~Shelburne~~)
Taylor = Ø
Trempealeau = Ø

2 Winnebago = T. Menasha / Oshkosh
1 Wood = Merchfeld



Reinhart Boerner Van Deuren s.c.
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Fax: 414-298-8097
Toll Free: 800-553-6215
reinhartlaw.com

1000 North Water Street
Suite 1700
Milwaukee, WI 53202

Fed Tax ID 39-1126909

IN ACCOUNT WITH:

Wisconsin State Senate and Wisconsin State Assembly
c/o Michael Best & Friedrich LLP
Attn: Eric M. McLeod, Esq.
One South Pinckney Street, Suite 700
Madison, WI 53703

INVOICE #: 270613

DATE: 23-March-11

CLIENT: 096866

OUTSTANDING BALANCE (FEBRUARY RETAINER) AS OF 23-March-11 \$5,000.00

PROFESSIONAL SERVICES FOR 1-Mar-22 THRU 31-Mar-11

MARCH RETAINER \$5,000.00

TOTAL DUE FOR CURRENT PERIOD \$5,000.00

TOTAL DUE \$10,000.00

INVOICES ARE DUE AND PAYABLE UPON RECEIPT

Reinhart Boerner Van Deuren s.c.

PAGE: 2

INVOICE #: 270613

DATE: 23-Mar-11

CLIENT: 096866

PLEASE RETURN THIS PAGE WITH YOUR REMITTANCE



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P.O. Box 2965
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IN ACCOUNT WITH:

Wisconsin State Senate and Wisconsin State Assembly
c/o Michael Best & Friedrich LLP
Attn: Eric M. McLeod, Esq.
One South Pinckney Street, Suite 700
Madison, WI 53703

INVOICE #: 274523

DATE: 29-Apr-11

CLIENT: 096866

OUTSTANDING BALANCE ON PREVIOUS INVOICES AS OF 29-Apr-11 \$0.00

PROFESSIONAL SERVICES FOR 1-Mar-11 THRU 31-Mar-11

APRIL RETAINER

\$5,000.00

TOTAL DUE

\$5,000.00

INVOICES ARE DUE AND PAYABLE UPON RECEIPT

**WE THANK YOU FOR THE LAST PAYMENT OF \$10,000.00,
RECEIVED ON 1-Apr-11.**

INVOICE # 274523

10/17/11

Reinhart Boerner Van Deuren s.c.

PAGE: 2

INVOICE #: 274523

DATE: 29-Apr-11

CLIENT: 096866

PLEASE RETURN THIS PAGE WITH YOUR REMITTANCE



Reinhart Boerner Van Deuren s.c.
P.O. Box 2965
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reinhartlaw.com

1000 North Water Street
Suite 1700
Milwaukee, WI 53202

Fed Tax ID 39-1126909

IN ACCOUNT WITH:	INVOICE #: 276831
Wisconsin State Senate and Wisconsin State Assembly c/o Michael Best & Friedrich LLP Attn: Eric M. McLeod, Esq. One South Pinckney Street, Suite 700 Madison, WI 53703	DATE: 25-May-11
	CLIENT: 096866

OUTSTANDING BALANCE ON PREVIOUS INVOICES AS OF 25-May-11 \$0.00

PROFESSIONAL SERVICES FOR 1-Apr-11 THRU 30-Apr-11

MAY RETAINER	\$5,000.00
TOTAL DUE FOR THE CURRENT PERIOD	\$5,000.00
TOTAL DUE	\$5,000.00

INVOICES ARE DUE AND PAYABLE UPON RECEIPT

**WE THANK YOU FOR THE LAST PAYMENT OF \$5,000.00,
RECEIVED ON 13-May-11.**

Reinhart Boerner Van Deuren s.c.

PAGE: 2

INVOICE #: 276831

DATE: 25-May-11

CLIENT: 096866

PLEASE RETURN THIS PAGE WITH YOUR REMITTANCE



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Fed Tax ID 39-1126909

IN ACCOUNT WITH:

Wisconsin State Senate and Wisconsin State Assembly
c/o Michael Best & Friedrich LLP
Attn: Eric M. McLeod, Esq.
One South Pinckney Street, Suite 700
Madison, WI 53703

INVOICE #: 280176

DATE: 18-Jul-11

CLIENT: 096866

OUTSTANDING BALANCE ON PREVIOUS INVOICES AS OF 18-Jul-11 \$5,000.00

PROFESSIONAL SERVICES FOR 1-Jun-11 THRU 30-Jun-11

JULY RETAINER **\$5,000.00**

TOTAL DUE FOR THE CURRENT PERIOD **\$5,000.00**

TOTAL DUE **\$10,000.00**

INVOICES ARE DUE AND PAYABLE UPON RECEIPT

**WE THANK YOU FOR THE LAST PAYMENT OF \$5,000.00,
RECEIVED ON 16-Jun-11.**

Reinhart Boerner Van Deuren s.c.

PAGE: 2

INVOICE #: 280176

DATE: 18-Jul-11

CLIENT: 096866

PLEASE RETURN THIS PAGE WITH YOUR REMITTANCE



Reinhart Boerner Van Deuren s.c.
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Fed Tax ID 39-1126909

IN ACCOUNT WITH:

Wisconsin State Senate and Wisconsin State Assembly
c/o Michael Best & Friedrich LLP
Attn: Eric M. McLeod, Esq.
One South Pinckney Street, Suite 700
Madison, WI 53703

INVOICE #: 284213

DATE: 31-Aug-11

CLIENT: 096866

OUTSTANDING BALANCE ON PREVIOUS INVOICES AS OF 31-Aug-11 \$0.00

PROFESSIONAL SERVICES FOR 1-Jul-11 THRU 31-Jul-11

AUGUST RETAINER	\$5,000.00
TOTAL DUE FOR THE CURRENT PERIOD	\$5,000.00
TOTAL DUE	\$5,000.00

INVOICES ARE DUE AND PAYABLE UPON RECEIPT

**WE THANK YOU FOR THE LAST PAYMENT OF \$10,000.00,
RECEIVED ON 10-Aug-11.**

*As of July 1, the beginning of our new fiscal year, our rates for hourly services have changed.
Our current rates are reflected in our invoices.*

Reinhart Boerner Van Deuren s.c.

PAGE: 2

INVOICE #: 284213

DATE: 31-Aug-11

CLIENT: 096866

PLEASE RETURN THIS PAGE WITH YOUR REMITTANCE



Reinhart Boerner Van Deuren s.c.
P.O. Box 2018
Madison, WI 53701-2018

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Toll Free: 800-728-6239
reinhartlaw.com

February 18, 2011

Don M. Millis, Esq.
Direct Dial: 608-229-2234
dmillis@reinhartlaw.com

VIA HAND DELIVERY

Eric M. McCleod, Esq.
Michael Best & Friedrich LLP
One South Pinckney Street, Suite 700
Madison, WI 53703

Dear Eric:

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Eric M. McCleod, Esq
February 18, 2011
Page 2

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Very truly yours,

REINHART BOERNER VAN DEUREN s.c.

BY



Don M. Millis

cc: James R. Troupis
Joe Handrick

REINHART\6098699



Reinhart Boerner Van Deuren s.c.
P.O. Box 2018
Madison, WI 53701-2018

22 East Mifflin Street
Suite 600
Madison, WI 53703

Telephone: 608-229-2200
Facsimile: 608-229-2100
Toll Free: 800-728-6239
reinhartlaw.com

February 17, 2011

Don M. Millis, Esq.
Direct Dial: 608-229-2234
dmillis@reinhartlaw.com

VIA HAND DELIVERY

Eric M. McCleod, Esq.
Michael Best & Friedrich LLP
One South Pinckney Street, Suite 700
Madison, WI 53703

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February 17, 2011
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We are required by the Wisconsin Supreme Court rules relating to the practice of law through a service corporation to clarify for all new clients the law relating to our professional malpractice liability. If malpractice occurs in our representation, our clients are protected by the firm's malpractice insurance policy as well as the assets of the firm. In addition, the firm attorney who represents the client may be personally liable to the client for any negligence in his or her representation as well as that of any attorney or staff member whom he or she supervises. However, because the firm is a limited liability entity, the Clients may not look to the personal assets of other attorneys in the firm who were not involved in representing the Clients.

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Eric M. McCleod, Esq
February 17, 2011
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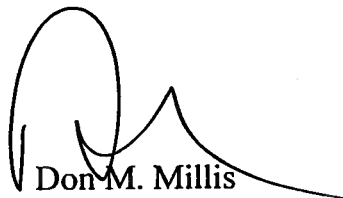
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BY



Don M. Millis

Encs.

cc: James R. Troupis (w/encs.)
Joe Handrick (w/ encs.)

REINHART\6082660



Michael Best & Friedrich LLP
Attorneys at Law
One South Pinckney Street
Suite 700
Madison, WI 53703
P.O. Box 1806
Madison, WI 53701-1806
Phone 608.257.3501
Fax 608.283.2275
Eric M. McLeod
Direct 608.283.2257
Email emmcleod@michaelbest.com

February 15, 2011

Don M. Millis
Joseph W. Handrick
Reinhart Boerner Van Deuren S.C.
22 E. Mifflin St., Suite 600
Madison, WI 53701-2018

Re: Wisconsin State Senate, by its Majority Leader Scott L. Fitzgerald and the Wisconsin State Assembly, by its Speaker Jeff Fitzgerald – 2011-12 Redistricting

Gentlemen:

This letter confirms our engagement of Joseph W. Handrick as a consultant in connection with our representation of the Wisconsin State Senate, by its Majority Leader Scott L. Fitzgerald and the Wisconsin State Assembly, by its Speaker Jeff Fitzgerald (the "Client") in the above matter, which involves potential litigation.

Mr. Handrick will be providing consultation on Wisconsin demographic matters and will perform those services as directed by us and other counsel in connection with our provision of legal services to the Client.

While this retention is directed to you by this office, the sole responsibility for payment of amounts due to you rests with the Client. You will be paid \$5,000 per month, beginning as of the date this engagement letter is executed and continuing through May, 2012, or until this retention is terminated, whichever comes sooner.

As this retention is in anticipation of potential litigation, all matters must remain confidential until such time as the Client determines otherwise.

While it is both your intention and the intention of the Client to continue this retention through the entire period described above, both the Client and you shall have the right to terminate this retention at any time. If the retention is terminated no further amounts shall be due or paid to you.




February 15, 2011
Page 2

If this engagement letter reflects your understanding, please sign, date and return that signed letter to us.

We look forward to working with you.

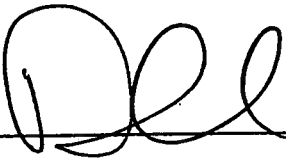
Very truly yours,

MICHAEL BEST & FRIEDRICH LLP

By: 
Eric M. McLeod

cc: James R. Troupis

ACKNOWLEDGED, AGREED AND CONSENTED TO:

By:  _____

Dated: 2/17/11 _____

027415-0001\8587489.1

MEMORANDUM

To: Wisconsin State Senate
Wisconsin State Assembly
c/o Eric M. McLeod, Esq.

From: Reinhart Boerner Van Deuren, s.c.
EIN: 39-1126909

Date: February 17, 2011

Subject: Initial Retainer Invoice

Initial Retainer Payment: \$5,000.00
(February 15, 2011)

Due Date: February 24, 2011

Questions: Don M. Millis
608-229-2234
dmillis@reinhartlaw.com



Handrick
EXHIBIT NO. 3
12-20-11 RPTR CW
For the Record, Inc.
(608) 833-0392

Joe Handrick
Draft Maps - Block Assignment Files



Michael Best & Friedrich LLP
Attorneys at Law
One South Pinckney Street
Suite 700
Madison, WI 53703
P.O. Box 1808
Madison, WI 53701-1808
Phone 608.257.3001
Fax 608.253.2275
Eric M. McLeod
Direct 608.253.2257
Email emmcleod@michaelbest.com

February 15, 2011

Don M. Millis
Joseph W. Handrick
Reinhart Boerner Van Deuren S.C.
22 E. Millin St., Suite 600
Madison, WI 53701-2018

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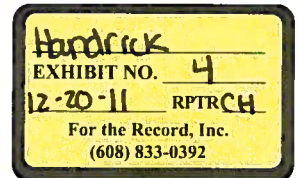
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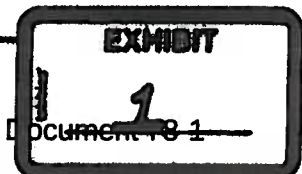
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michaelbest.com





February 15, 2011
Page 2

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MICHAEL BEST & FRIEDRICH LLP

By: 
Eric M. McLeod

cc: James R. Troupis

ACKNOWLEDGED, AGREED AND CONSENTED TO:

By:  _____

Dated: 2/12/11 _____

027418-00010307480.1

michaelbest.com



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P.O. Box 2018
Madison, WI 53701-2018

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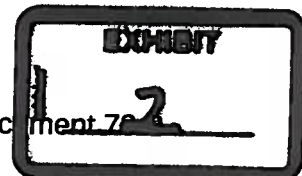
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REINHART6082660



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P.O. Box 2018
Madison, WI 53701-2018

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Telephone: 608-229-2200
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February 18, 2011

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Direct Dial: 608-229-2234
dmillis@reinhartlaw.com

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Madison, WI 53703

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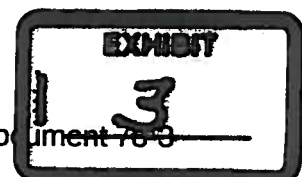
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BY


Don M. Millis

cc: James R. Troupis
Joe Handrick

REINHART6098699



Joseph W. Handrick

[T] 608-229-2247
[F] 608-229-2100
[M] 608-215-5837
jhandrick@reinhartlaw.com

Practice Areas

Business Law
Government Relations

Legal Services

Government Relations

Joseph W. Handrick is a Government Relations Specialist with Reinhart's Government Relations Team. Joe served as the representative of the 34th Assembly District in the Wisconsin State Assembly from 1995 to 2001. After leaving the Assembly, Joe worked as a consultant and in government relations. Since 2006, Joe has been town chairman in the Town of Minocqua.

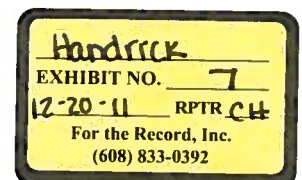
Joe has extensive experience in the workings of both local government and the legislative and executive branches of state government. Joe has developed close relationships with several members of the Wisconsin State Legislature and members of the incoming 2011 administration.

Joe assists Reinhart's clients to have a voice in the halls of the Wisconsin State Legislature and in the offices of State Government Agencies. Joe's services typically involve developing a comprehensive strategy for achieving the desired goal using the best and most ethical practices.

Joe has also been active in a number of community organizations.

Education

- B.S., University of Wisconsin-Madison (Occupational Therapy)



- ▶ Home
- ▶ Lobbying in Wisconsin
- ▶ Organizations employing lobbyists
- ▶ Lobbyists

Presented by the Wisconsin
Government Accountability Board

as of Wednesday, November 30, 2011

2011-2012 legislative session
Lobbyists licensed in 2011-2012

Go to lobbyist list

Handrick, Joe

Reinhart Boerner Van Deuren sc
P.O. Box 2018
Madison, WI 53701

Phone: (608) 229-2247

Fax: (608) 229-2100

E-mail: jhandrick@Reinhartlaw.com

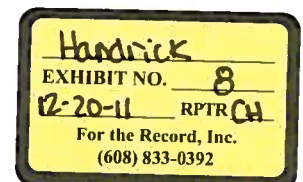
License Issue Date: 1/25/2011

Organization(s) represented:	Date authorized to lobby	Date authorization withdrawn
Aurora Health Care Inc	4/20/2011	
Badger Advocates, Inc.	4/18/2011	7/19/2011
C & N Corporation	5/25/2011	
Oneida Vilas School Board Association	4/8/2011	
Wisconsin Occupational Therapy Association	3/9/2011	
Wisconsin Society of Land Surveyors	2/7/2011	

Directory of lobbyists

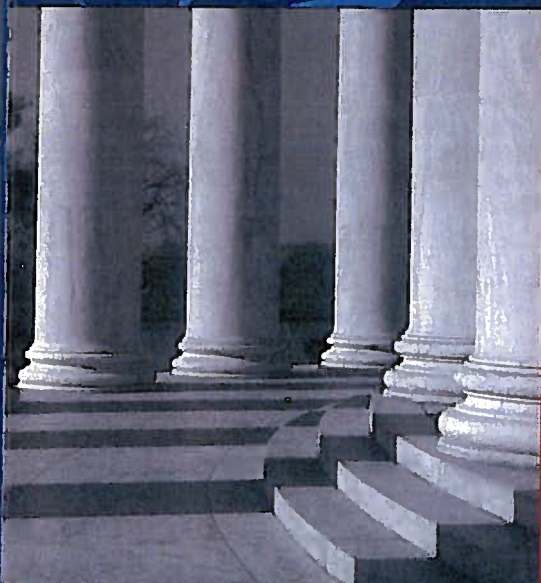
(printable version)

Directories may be viewed and printed using Adobe Acrobat, version 4.0 and higher.
You may download the latest version of Adobe Acrobat (free software) here.



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Born to Run



Origins
of the
Political
Career

Ronald Keith Gaddie

Foreword by David L. Boren



CAMPAIGNING AMERICAN STYLE

Handrick
EXHIBIT NO. 9
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University of Wisconsin - Madison
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Madison, WI 53706-1494
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Library of Congress Cataloging-in-Publication Data

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1. Political candidates—United States. 2. Political campaigns—United States.

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Printed in the United States of America

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The Life and Times of Joe from Minocqua

4



I know the price of success: Dedication, hard work, and the unremitting devotion to the things you want to see happen.

—Frank Lloyd Wright

NOT EVERYONE WHO RUNS for the legislature wins their first effort. Shane Hunt made his first run, and despite his best efforts he failed to prevail over an incumbent legislator. For those with the desire to serve, it may take repeated efforts to gain election, and this phenomenon has given rise to one of the great old wives' tales of legislative politics: "Run once to get known, and twice to win." For individuals with the insatiable desire to serve, the lessons of losing are instructive and acted on. Shane Hunt has not returned to politics, but he is also not the only candidate whom I visited with who lost in their first effort. Joe Handrick, Republican from Minocqua, Wisconsin, traveled the longest road to the legislature of anyone in this book, spending more time pursuing the legislature than in the legislature. As a twenty-year-old sophomore at the University of Wisconsin (UW), he was recruited to challenge the incumbent in his hometown district. It would be another eight years before he finally made it to the Wisconsin General Assembly.

Joe Handrick's case is interesting for a variety of reasons. He became a conservative Republican because of a strong socialization during the late 1970s and early 1980s, when Jimmy Carter's Democratic Party wrecked on the shores of a bad economy and foreign policy failures, and Ronald Reagan articulated a very different vision for America that resonated with young Handrick. His initial campaign against an incumbent assembly member was surprising in its strength, and it taught the young politician lessons that were incorporated into his subsequent electoral efforts. As a legislator, he was an active member of the majority party, but he soured on legislative life when he realized the institutional limits on his ability to affect public policy as an independent force. His personal context also changed, as he married, had two children, and confronted the challenges of full-time representation of a district 250 miles from the capitol. Joe's story is of several changing contexts within the career, of changes in the competitive context in the district, of

changes in the institutional context of his incumbency, and, most important, of changes in the personal context that mitigated against continuing in the assembly.

Political Context: Wisconsin

The Badger State is known for its powerful liberal political tradition, especially in Madison and Milwaukee. It is also a state with a powerful Republican heritage dating back to the 1850s, though that heritage can be viewed as part of a strident liberal political tradition that finds its roots in the abolition movement. The state legislature has a tradition of access for young politicians. UW students have run for districts not just in liberal Madison but also in hometown districts around the state. In 1993, the Democratic speaker of the assembly, Wally Kunitz, was just thirty-four. Tommy Thompson (a four-term governor) was elected to the state assembly almost immediately out of law school in 1966. Thompson served twenty years in the assembly, all the while consolidating his position in the GOP caucus, first as assistant floor leader, then as floor leader before being elected governor four times.

In Wisconsin, advancement to higher office is predicated by prior office holding. Of the nineteen major officeholders in Wisconsin in the 1990s, ten were first elected to public office before age thirty, and fifteen were in public office before age thirty-five. The path to power runs through the assembly. Thirteen of nineteen major officeholders came through the assembly, and all of the assemblypersons who made the jump to major office were in the assembly in their twenties or early thirties. Assembly members with progressive ambitions do not necessarily act immediately on their ambitions, but they do not stand still. Every U.S. House member who came out of the legislature spent ten years or less in the state House. Three moved from the assembly to the state senate, and two had prior local office experience before going to the legislature. The average tenure in the legislature before seeking higher office was just over nine years.

Wisconsin requires residents to be eighteen in order to serve in the state House of Representatives and senate. Members-elect have forty-five days to take up residency in their district. Party nominations are determined by primary. Wisconsin legislative elections are held in single-member districts. The typical assembly district has about fifty-four thousand residents. Senate districts are created by combining three entire assembly districts, resulting in the nesting of three assembly members and their constituency entirely in senate districts. The assembly has been generally Republican and the senate generally Democratic for the past decade, and in 2002 Republicans won control of both the assembly and senate.

Meet Joe Handrick

Joe Handrick came from the North Woods, a region of lakes and tall trees not far from the Upper Peninsula of Michigan. Summer cabins have long dotted the chain lakes, and communities grow by a factor of ten in the summer. His hometown, Minocqua, is classic small-town Wisconsin, a place where everyone knows everyone else. Social touch points in these communities include the high school football game and a trip through the market. Groups of men still gather for coffee the same way they have every day for forty years, playing pinocle and swapping tales over coffee. A Friday evening local still consist of a trip to a tavern for a boilermaker or a fish fry at a local supper club that has not changed since 1958.

As the youngest of five children of a local propane dealer, Joe grew up immersed in the culture of snowmobiling, fishing, and the small-town social swirl that is the North Woods. Gifted neither as an athlete nor as an academic standout, Joe Handrick did one thing especially well: politicking.

“My attraction to elected office began in high school. . . . Although I was smart, I was far from the top tier of students . . . at everything else—music, band, art, athletics, et cetera—I was just average. The one thing I was good at was student council, in terms of both getting elected and being a leader on the council.”

The way he made student council was that he had friends everywhere, across groups, and he kept winning because he was everyone’s second choice in a system that allowed second choices. These innate political abilities translated into an opportunity that would lead to an intensive socialization to the Reagan revolution and the Republican Party. Joe’s student council adviser, Dave Anderson, first interested Joe in Republican politics. As Joe related, “At the end of my freshman year . . . Dave Anderson, my student council adviser, invited me to go to the Republican State Convention with him. Although my upbringing and basic outlook on life were dictating that I become a conservative, I had no party identity at fifteen. I did after the convention; [it] allowed the dots to connect.”

Anderson would subsequently run for the local assembly seat, losing to Democrat Jim Holperin by eighteen points. Watching Anderson lose that election made an impression on Joe. “You have to take a stand,” he said. “In the debate, Anderson kept saying he would ‘have to look into [whatever subject] more’ before he could give an opinion. . . . It is better to take a stand and please somebody than to take no stand and please nobody.” As Handrick recalled, his mentor’s tentative debate style bespoke a fundamental problem with his candidacy: Either Anderson either did not have a clear message, or, if he possessed a clear message, it was not being communicated.

First Run: Assembly, Age Twenty

After the 1984 election, Joe Handrick was absolutely certain what he wanted to do. “Beginning in 1984, every big decision in my life was made with the backdrop of wanting to run for the state assembly.” As a college student, he structured his life and his time to build, quietly but deliberately, toward that goal.

“Summer was spent in Minocqua working at a grocery store. Every morning I sat with the coffee klatch at the Parkway restaurant. I stayed active with the local party and regularly expressed my opinion in a letter to the editor. . . . [In 1986,] I approached Don Walker [publisher of the *Lakeland Times*, a local newspaper] about working there for the summer . . . experience at the newspaper would be good. It would provide the opportunity to make contacts with the business community and local civic leaders.”

At the end of June 1986, Joe was approached by Dave Anderson about running against Holperin. Joe’s father, Glenn Handrick, recalled over coffee at Tula’s, “You should have seen it. Here he is eighteen or twenty, and these guys, local Republicans and businessmen, they all come to him trying to get him run. And he sits there and hedges a little, kind of drawing them out like he had never really considered running. He looks at them and says, ‘Well, you know, I haven’t really thought about it’ . . . after they’ve talked him into it” and Joe commits, he whips out a complete campaign plan, and says, “This is what we’re going to do.’ Ha!”

An examination of that plan reveals an impressive degree of research and sophistication on the part of a twenty-year-old with no prior training or experience. Handrick had conducted an extensive study of the patterns of electoral support in every precinct in the districts across several elections. He identified precincts where the Democratic incumbent had run ahead of expectations, and then he sought explanations for that surge, such as a friends-and-neighbors effect. Joe developed a budget, an issue strategy, and plans for advertising, door knocking, and dead-dropping to create the exposure and visibility necessary to take on the incumbent and mute his advantages.

Prior planning is common among state legislative candidates, though evidence shows that the emphasis of such planning varies by candidate age cohort. As indicated by the data in Hogan’s (1995) survey (see table 4.1), most candidates suggested that they engaged in precampaign activities such as the construction of voter databases, precinct analysis of past elections, and voter targeting. There are no great differences across candidate age groups in the creation of voter databases; most candidates do it, regardless of age. However, the conduct of precinct analysis by candidates under thirty-five was seven points lower than candidates between thirty-five and fifty-five and seven points higher than among candidates over fifty-five. The other difference that

Table 4.1 Precampaign Analysis and Targeting by Candidates

Candidate Age	Precampaign Analysis		Voter Targeting	
	Voter Data	Precinct Analysis	Primary	General
Under 35	82.8%	70.5%	83.0% (n = 47)	69.1% (n = 68)
35–55	82.5%	77.7%	80.5% (n = 154)	72.4% (n = 283)
Over 55	79.4%	63.1%	57.7% (n = 45)	62.1% (n = 111)

Source: Hogan (1995).

emerges is in the targeting of voters. Candidates under thirty-five and candidates between thirty-five and fifty-five are far more likely than older candidates to target voters in primaries, and they are somewhat more likely to target voters in general elections. All age cohorts had solid majority responses engaged in targeting, though younger candidates are more prone to convert prior planning into efforts to target voters.

Even with this degree of preparation and planning, taking on an incumbent is a daunting task. The incumbent had been in the assembly for some time and had followed the classic playbook for an incumbent in a competitive district. Handrick describes the district as “leaning Republican,” which is also borne out by empirical analysis of statewide elections in the area. The incumbent overcame this partisan disadvantage because of a friends-and-neighbors benefit in his home community of Eagle River and an ability to do lots of constituency service. In sum, given his personal incumbency advantage, “Jim Holperin simply could not be beat.” Handrick had planned to wait for the incumbent to retire and then to run. So why the change in plans? “I was easily talked into running . . . for a number of reasons that allowed us to conclude I had little to lose. The bar had been set quite low, and if I just avoided doing anything stupid, I would be fine. . . . I knew I could perform better than the candidate in 1984 who received only 34 percent of the vote.”

So Joe Handrick, a junior at the UW–Madison, ran for the assembly. His evaluation of the district revealed a political context in which an active, Republican candidate might be successful. “I looked at the district, which is conservative and 55 percent Republican but has been going 65 percent for Holperin. I had to find some way to get those voters back to where they were supposed to be, and that meant running on issues.”

This evaluation would create a mind-set that framed Joe’s career behavior and that emerged in his first campaign as a hallmark of all of Handrick’s political campaigns up in the North Woods: using aggressive ideology to polarize

the contest. His entry into the controversy over Native American fishing rights—specifically, the rights afforded to the Chippewa to spearfish for walleye and muskie—was an example of the application of the tactic. The incumbent was vulnerable with sportsmen for his lukewarm opposition to the special fishing rights for the tribes. Combined with the growing unpopularity of Democratic governor Tony Earl, an opportunity existed to take advantage of an issue of interest in the constituency, while also capitalizing on the failed incumbency of Earl. As Joe recalls, “Our three big issues were treaty rights [spearfishing], insurance liability crisis, and taxes. On all three issues Tony Earl was vulnerable, so our task was to connect Earl and Holperin at the hip.”

The first campaign was run pretty much on the weekends. Handrick was a full-time student at UW-Madison; he took the fall term off to avoid making the more than 250-mile drive home to campaign. The age issue never really took hold, and Joe had a ready answer: “My youth is not important to the voters. Eleven of Wisconsin’s assemblymen were elected when they were under thirty years old.” Joe Handrick would not be unique if he won.

Handrick’s first campaign was visible and relatively effective. Joe made a strategic decision “to try and win as many towns as I could. . . . I knew that a candidate can create the impression that they ran a close race if they win a lot of real estate.” The Democratic stronghold of Rhinelander was out of reach, and in the estimation of Joe and all those around him, it would be won by the incumbent with impressive margins. “We spent a relatively small amount of resources there. . . . I focused on Vilas [the Republican county] . . . this is where the Republican voters are who had supported Holperin. . . . It worked well. I received 41 percent of the vote [and] won Minocqua, Hazelhurst, Woodruff, Arbor Vitae, Plum Lake, St. Germain, Manitowish Waters, Boulder Junction, and Phelps. In [the previous election,] Holperin had lost only three towns . . . around Minocqua, Holperin’s huge margins were gone as we won back much of the conservative base.”

Handrick campaigned the entire district, and he had the attention and support of major Republicans. Tommy Thompson, challenging Tony Earl for governor, made a strong and public endorsement of Joe and campaigned for him in Rhinelander. Handrick’s campaign left an impression on the incumbent, who said in reflecting on the race that “he would counter attacks from his opponent.” If anything, the lesson was that while negative campaigning doesn’t work, assertiveness doesn’t hurt. The result, nonetheless, was an electoral loss to a strong incumbent.

Joe’s own campaign postmortem includes geographic analysis of the last three campaigns versus the incumbent, including his own, by township. There was a definite east-west division of the electorate, with Republicans running strongest in Minocqua, Hazelhurst, and northwestern Vilas Counties, and the Democratic incumbents running strongest in the eastern parts of both Vilas and Oneida Counties, especially near his home bailiwick of

Eagle River. This contrasted dramatically with the Republican performance in presidential and gubernatorial contests, where Republicans were strong throughout Vilas County and, on average, ran about ten points better. Holperin had an incumbency advantage throughout the district and a friends-and-neighbors advantage in the townships around East Eagle River. But Handrick did better than any other challenger to Holperin.

In this first campaign, Handrick entered the race with the mind-set that is presumed to be common among first-time challengers to incumbents: Run once to get known, beat expectations, and wait for the open seat. Joe Handrick had beaten expectations and established his name as a viable candidate for representative in the future. He was “back to plan A—wait for Holperin to retire.”

Senate Campaign, Age Twenty-two

Fighting the good fight at twenty brought Joe Handrick what many aspiring young political activists crave: attention, recognition, and legitimacy. He returned to school in Madison and also made his way into “big-time” Wisconsin politics, serving as a staffer in the administration of the new Republican governor, Tommy Thompson. It was a part-time position at first and allowed Joe to pursue his degree while also getting networked with the Republican in-crowd in Madison. The plan was to finish college, build stronger ties in GOP circles, and wait for the shot when the seat came open. What happened, though, was another campaign in a bigger constituency.

In 1988, Joe Handrick was again approached to run, this time for the state senate. This would be a bigger, more expensive, more challenging campaign. The Wisconsin legislature has ninety-nine assembly members and thirty-three senators. Each senate district wholly encompasses three state assembly districts. Handrick would be running not just in the two counties of the assembly seat but also in two other constituencies. Again the fight would be against an incumbent Democrat, Senator Lloyd Kincaid. The best account of the decision and the lessons of the campaign come from Handrick’s own words, which acknowledge a bad case of youthful hubris:

“Unfortunately, ‘me ego’ started to believe all the people in Madison who said what a great candidate I was and that I should run against [Kincaid] in 1988. I was working in the governor’s office. . . . and allowed myself to get talked into something that was probably not in my interest. I began planning a senate run in the spring. The party pledged to make this the number one target in the state.”

Joe had resources, expertise, and high-profile backing from one of the most powerful Republicans in Wisconsin history. The campaign was polished and professional; but, of all the campaigns that Joe Handrick waged, this was

Things were going well for Joe coming out of the primary, which he won handily. They used the primary to push contacting and practice their voter targeting for the general election. Then, as Joe described in his own words, “things went downhill.” He was in over his head and could not keep control of the campaign.

“The campaign was the state’s number one target race, and [it was] simply too big of a campaign for me to keep a handle on. In the end we set a new state record by spending over \$100,000. During the race, they made me go out and do what a candidate is supposed to do and kept my involvement in strategy and implementation of the plan to a minimum. That took all the fun out of it. I [was] simply not motivated. I was running because others wanted me to—I never had that fire in my belly.”

The campaign handlers from Madison were “very good and ran the campaign very well.” But it was not how Joe would have run the contest.

Out of the campaign came lessons of maturity and character that stayed with Joe throughout his political career. “Our attacks on Kincaid were not just negative—they were downright mean.” In no subsequent campaign that Handrick ran in or managed for another candidate would he go negative, other than engaging in comparative advertising on specific issues. His conscience could not live with it. A note Joe sent me summed up his own thoughts on the effect of that campaign on his reputation:

The attacks on Lloyd Kincaid led people to believe I was mean. I vowed to never again let others set the tone and tenor of my campaign. I know that candidates are not supposed to run their own campaigns but I would have it no other way in the future . . . candidates can and should control their own campaigns and that this can be done without the candidate getting tied down in deciding what color balloons to have at a fundraiser.

Second, he learned the relative value of types of media and also the limits of media in running for office. “We spent a lot of money and ran a media campaign but never had a network put together in much of the district. In three counties, we had no ground troops, no coordinators, no nothing.” The one constant of legislative candidates is the value of doing doors. “I knew door-to-door worked, but [with the failure in the general election,] I saw exactly how. When looking at the primary vote results, we could see which wards we had done doors prior to the primary.”

Joe Handrick recognized that part of the failure of the campaign was a product of the same failing as his mentor’s challenge to Jim Holperin, in that “we had no overall theme.” The campaign was out of his control, run from the top-down; it was run using a generic, impersonal strategy without an appreciation of the particular context of the district; and there was no central

probably the most painful and least favorably recalled. It was also, like many of life’s experiences when young, one of the most valuable in shaping him.

“[It] was unenjoyable, but I probably learned more in this loss than in any other campaign. . . . Kincaid had never been beaten, so getting 47 percent against him kept my image as a good candidate intact back home. . . . Senate Republicans viewed me as only a marginal candidate. [Political people in] Madison began to view me as a much better strategist and manager than candidate.”

This is often the painful juncture for aspiring candidates. While many possess the technical knowledge and political skills to analyze political environments and ascertain successful strategies, candidates and those around them begin to question their quality as standard-bearers. Was Joe Handrick meant to be a political leader or one of those who made leaders? Clearly Handrick relishes in the role of strategist and kingmaker.

“What I like about campaigns more than anything is the planning of strategy and development of the game plan. I especially like doing so in a primary [that is more candidate centered]. In a general election, much of the outcome is decided by the makeup of the district. In a primary, it is much more up to the candidate whether they win or lose. A hardworking, well-organized candidate with a solid plan can outsmart and outwork the opposition.”

This perspective on the ability of a candidate to influence elections is widely held by legislative candidates. Returning to the data from the Hogan survey, candidates of all ages are convinced of the ability of a candidate and their campaign to influence the election outcome. This belief is more intense among candidates in primaries (see table 4.2).

Handrick faced admittedly “weak opposition” in the primary and tried to use it as an opportunity to build momentum to the general election. The press portrayed Handrick as “a former aide to Governor Tommy Thompson.” Joe tried to parlay that tie and his maturation since his first campaign into greater legitimacy, arguing that “I have the background and experience to be an intelligent, articulate, and effective voice for the North [in Madison].” The campaign focused on three broad issues: economic development, environmental protection, and property tax relief.

Table 4.2 Extent the Candidate’s Campaign Influences Election Outcomes

Candidate Age	Primary	Candidate Age	General Election
Under 35 (n = 47)	70.23	Under 35 (n = 67)	66.60
35–55 (n = 153)	75.24	35–55 (n = 281)	64.77
Over 55 (n = 45)	73.63	Over 55 (n = 110)	65.13

Source: Hogan (1995).

Note: Mean for category, based on 100-point scale where 0 = no influence and 100 = total influence.

focus to the campaign. The theme of national conservative politics was insufficient to displace a known incumbent in a down-ticket race, because the national forces were insufficient to allow candidates to make a meaningful connection to them.

Hiatus

Two consecutive losses to two different incumbents in two years left Joe Handrick wondering whether he had pushed too hard, too fast, to get to the legislature. As he observed to me, “It was *definitely* back to plan A: Wait for Holperin to retire.” He went back to Madison and enrolled at UW to pursue a degree in occupational therapy. “It was time to think about getting through school . . . the plan was to get through school and get home.”

Handrick still managed to dabble in some politics at UW. In 1989, he and some College Republicans engineered a takeover of student government. The low-turnout campus elections turned into a laboratory for voter targeting and mobilization. His time in the student senate offered the chance to develop rhetorical devices he would later use in the assembly. And, while working a half-time position for the Republican assembly floor leader, Handrick would grow his relationship with his future wife, whom he met during the 1988 senate campaign (she worked for Bob Kasten). Joe dropped out of college for two years to work full-time for the assembly. As he described it, “the pay was so good,” he now was a family man with a spouse, and he had ambitions beyond stocking shelves at Wal-Mart. As he put it during our drive north to Minocqua, “Now I was married and poor instead of just poor.”

Other political opportunities would beckon, too. Handrick was passed over for the chance to run in a special election in the senate seat he contested in 1988 (the party candidate ultimately lost in the primary to an unknown twenty-four-year-old), but he did get back into campaigning, managing an open seat race in another North Woods district adjacent to his own home district.

On returning to Madison, Joe found that his boss in the assembly, Randy Radtke, was the Republican chair for redistricting. Randy brought Joe in to work on what would be Joe’s legacy in Wisconsin: the crafting of legislative maps. In the 1990s, states across the nation were making extensive use of new geographic information system (GIS) technology to craft legislative maps. Handrick was not initially a principal in the crafting of maps, but, when exposed to the technology and asked to participate, his spatial analytic abilities became evident to Republican mapmakers. “When they sat me down at the terminal, I just had a knack for being able to see how to craft the kind of districts they wanted, with the right political skew and in a fashion that would be attractive to a court.”

Wisconsin would end up going to federal court to have its state legislative

maps, and Joe would ultimately craft the legislative map proposal Republicans forwarded to the federal courts. While the court did not formally adopt those maps, the map that the court produced was sufficiently similar to Handrick’s map that the convergence of his map and the logic of a court-drafted plan were evident; it was a *de facto* adoption, and in the Milwaukee area the Handrick map was directly adopted, including its proposed minority-majority districts. After redistricting, Radtke retired, and Handrick returned to occupational therapy school. Plan A would be put into motion in short order.

Prior Planning Ensures Performance: Success at Age Twenty-eight

In 1992, as redistricting was winding down and Joe was getting back to school, rumors started to circulate that Jim Holperin was casting about for a full-time job and would retire from the legislature. When the rumors started, Handrick established a fund raising operation, in order to have money on hand should the seat come open. Soon there was a few thousand dollars in the account.

It was time to go back to the district. Periodically, during the summers, Joe had worked at the local supermarket—Trigs—as a supervisor. In early 1993, he started spending weekends back in the district, bagging groceries and “seeing literally hundreds of locals.” There was a tremendous rationale for making the lengthy trip, up and back, every weekend for Joe: “I feared that I would be accused of being a carpetbagger. It was five years since I had run for the senate.” He also became more active in the local GOP organizations in Oneida and Vilas Counties, and he started helping local candidates with campaigns. “I built some nice IOUs in the process,” Joe recollected, “and the fact that I built a voter list for the Thirty-fourth District and shared it with other candidates didn’t hurt, and I helped design their ads.” Handrick set himself up as the volunteer consultant of choice for like-minded candidates, while crafting an organization for his assembly run.

The opportunity to capture District 34 very nearly slipped through Handrick’s hands. In late 1993, word leaked from the governor’s office that Tommy Thompson was going to appoint Jim Holperin to a full-time state job. This would not have fit Joe’s window of opportunity as “there would be a special election. . . . I could finish school by early 1994, but not in time for 1993.” Handrick inoculated against losing his place in the order of succession by sending an announcement to the state capitol that he was moving back to Minocqua to “prepare for a special election.” The goal of the move was to scare Democrats into talking Holperin into deferring his retirement, for fear that Handrick would win any special election. Democrats at the time held a narrow 52–47 majority in the assembly and did not want to cede a seat. Holperin delayed his departure by nearly a year.¹

The announcement of Holperin's retirement was accompanied in local papers by a story announcing Handrick's filing of candidacy papers with the State Elections Board. Included in the story was the notation that, in his last race for the Senate, Handrick had a thousand-vote plurality over the Democratic incumbent inside the borders of assembly District 34 and a 76 percent vote margin in the 1988 GOP primary inside the district. Front-runner status was not conferred, but his viability was readily noted by the local press. Before Holperin's retirement announcement, Handrick had filed for a position on the County Board. Joe recalls that he "used the race as a dress rehearsal for the upcoming state assembly primary." Joe Handrick won over incumbent Robert Wendt by a margin of 318 to 138. Now the real campaign would start: running for assembly District 34.

Winning in 1994

Unlike Joe's previous efforts, this time he confronted a broad field of similarly ambitious competitors. The open seat had loosened political ambitions in both parties, as nine candidates filed. The challenge for Handrick was to stand out, first in the Republican primary, and then in the general election. As Handrick saw it, "whoever was the winner of the GOP primary would win the district. . . . The district was trending more conservative, and the Democrats would be hard-pressed to find another Jim Holperin." Winning the primary would propel him toward general election success, especially if Handrick used the primary to build up his name recognition and create a feeling of momentum. While still young, he was a veteran campaigner, a known political operative, and far more mature and seasoned at twenty-eight than he had been at twenty.

At the very least, Handrick needed to win his hometown. His perspective on primaries in rural Wisconsin was that they were friends-and-neighbors events: "In a primary a candidate should win their home town. Our strategy was to . . . win Minocqua by more than the [other candidates] win their hometowns by doing a better job of getting out the vote, and to come in second in all the other candidates' hometowns by having a better network, working harder, and [having] a better-delivered mass media plan." It was not unlike the previous circumstances of running for student council. Handrick had to be better at home than everyone else and then be everyone's second choice.

The big break came through a campaign stunt, designed to separate Handrick from the rest of the pack. "The challenge was standing out among nine candidates. Our vehicle for doing this can be summed up in two words: *the dog*." Joe is a dachshund enthusiast and has a large Dachs by the name of Molitor.² "In parades, we pulled a trailer with a kiddy pool on it filled with water. My fifteen-pound dachshund would splash around in the pool and try

to kick out the water. Our sign said, 'Joe Handrick will make a splash in Madison.' The response was unbelievable. Everyone was talking about the 'guy with the dog' . . . we had our TV people film a parade in July knowing this would be our TV ad come August and September."

Doing TV in a Wisconsin assembly primary was "almost unheard of," but TV in the North Woods is cheap and can drive up name recognition rapidly for a candidate. "If others were to do TV, it would be in the last five or six days before the primary. . . . Our TV started twenty-one days out . . . the opposition went into panic mode." Joe from Minocqua was all over the TV, by himself, for over a week.

Party people in Madison thought that the dog was a singularly bad idea; it "didn't fit" the campaign mold that the assembly leadership likes to see. Voters had a very different reaction. "We were," Handrick said, "the highlight of every little parade we went to. People just went crazy when they saw Molly splashing around in that pool. And when we put it on TV," he continued, "it caught everyone's attention. Two days after the dog ad began, volunteers from Madison were doing a literature drop, and they reported that nearly every person they saw said, . . . 'Yep, that's the guy with the dog.'" Handrick admits that he stole the idea of the dog from Senator Russ Feingold, whose offbeat 1992 campaign ads helped fell Republican Bob Kasten. The catch line of Handrick's dog ad was "Joe Handrick doesn't care if his dog gets soaked, but taxpayers have been getting soaked long enough." As Joe noted to me recently, "the dog stuff was also a reflection of my desire to avoid the 'mean' label that I got in 1988."

Handrick had other advantages. He was an experienced candidate, one who had built a political résumé from the experiences of electoral defeat. Unlike his previous campaigns, he had a legitimate background in public service, and he was the only candidate with experience in state government. On the other hand, he also tried to run on the "outsider" track, and, like many Republicans who ran in the 1994 elections, he challenged the status quo. He won the Republican primary, carrying his hometown and coming in second everywhere else.

With the primary behind him, Joe turned to the general election. Party help came from Madison, and, with the memories of his Senate campaign, Joe worked hard to keep control of method, message, and strategy. The decision to use TV early and intensely accrued benefits going into the general election. His best estimate is that, based on the strong primary showing, they came into the general election campaign with a twenty-point lead. This suited Handrick, because "it put us in the position of being able to stay positive and let the other side be the negative campaign. When attacked we hit back, but . . . in a way that tried to portray the opposition as mean and our side as victims"—again, the opposite of his 1988 senate campaign.

Handrick's general election opponent was a U.S. Army reserve lawyer

from Rhineland, Jenny Owen. Owen was in line with the constituency and Handrick on many issues. The issues that differentiated them were partisan, ideological wedge issues that favored Handrick in this conservative constituency. Owens was an advocate of government-sponsored universal health care and prochoice on abortion.

The campaign was not without problems or setbacks, and Handrick observed that he has never been involved in a campaign where “the people in Madison did not screw up on at least one issue. Usually it is a technical thing, like where they claim that an incumbent voted one way” when in fact the opposite was the case. In Joe’s 1994 campaign, the “screw-up [was] that Scott Jensen wrote our TV scripts after the primary, and in the crime spot I said, ‘No more cable TV in prisons.’” After the spot aired, a staffer informed Joe that there was a “problem—we don’t have cable TV in prisons in Wisconsin’ . . . normally I would have panicked, but . . . I was aware that some counties had cable in their county jails, and that is a form of prison.” There was really no downside, in Joe’s mind, because “I dare the opposition to raise this as an issue—I’d have made them look like they’re defending prisoners.”

In the closing week, his opponent depicted Handrick as a professional politician, and she used push-polling to paint Handrick as a right-wing radical.³ He inoculated against these efforts on two dimensions. Joe’s campaign ran a prepared TV spot, showing Joe in his white hospital coat as an occupational therapist, walking around a hospital and talking about how, as a therapist, helping people lead more independent lives was also part of his qualification to legislate and also consistent with his political philosophy, that government should help people live independent lives. They flipped the effect of the push-poll in the media. Joe prevailed on one of the local TV affiliates to break the story, and a grievance was filed against the Owens campaign (Democrats were later chastised and fined for the use of this campaign tactic).

Handrick won 56 percent over Owens’s 44 percent, a fifteen-point swing from his first effort in District 34. The election in 1994 was a watershed in American politics, and Wisconsin Republicans garnered substantial gains. According to Handrick, his win and others were not necessarily part of any broad-based national tide; rather, he attributes the gains to opportunities that were cashed in by the GOP. “Republicans took the assembly because three Democrats retired from GOP seats in Districts 1, 2, and 34. The gains coincided with ’94, but the national tides of ’94 didn’t matter. Wisconsin just does its own thing. It doesn’t follow national trends.” A look at Vilas County (the northern county in District 34) lends credence to this observation. Running in an open seat, Handrick carried the county by a margin of 1,345 ballots and 58 percent of the vote. Republican governor Tommy Thompson carried the county by a margin of 4,088 votes and 73 percent of the vote. Democrat Jim Doyle, who won the attorney general race statewide, lost Vilas County by seven ballots, while Democratic secretary of state candidate Doug

LaFollette carried the county by 628 ballots. In 1986, Thompson carried Vilas with 67 percent of the vote as a challenger, while challenger Joe Handrick lost the county by 362 votes. Some of the surge in Republican ballots can be attributed to national tides, though an equally valid explanation is the elimination of Holperin’s incumbency advantage. The notable swings in ballots from candidate to candidate substantiate Handrick’s mirthful observation that in Wisconsin, “ticket-splitting is our favorite pastime.”

Now Joe confronted a question that had never occurred to him before: “What do you do when you’re twenty-eight and you’ve accomplished everything you set out to do?”

Outgrowing an Old Dream

Joe Handrick attained a seat in the Wisconsin General Assembly on his third try. He had pursued the assembly all of his adult life and had delayed his formal education and the initiation of his professional career to work in politics. Along the way he picked up skills and abilities in campaign management and media relations, and he proved adept in the application of new technologies, particularly the use and application of geographic information systems to the problem of crafting legislative districts.

By 1999, he was in his third term in the legislature. He was a member of a close majority in the chamber, led by an energetic speaker, Scott Jensen, and was chair of the assembly committee that was preparing for the coming legislative redistricting. He had several legislative accomplishments and a reputation as a serious legislator with a strong independent streak. However, he was also restless and dissatisfied with the legislative life and was tiring of his role. As he described it to me as we left a fund-raiser in the Fox River Valley, “a trained monkey could do my job.” He was tired of sitting on the floor, hitting a button with the party line, and not having substantive input into legislation or strategy. “There was no challenge. . . . When it was evident that I could not exercise power in the institution, I decided it was time to move on. But I wanted to do the redistricting.”

Joe left the assembly in 2000. But, as he was headed out the door, he laid the foundation for his transition to a postlegislative career as a consultant and lobbyist that will prove far more lucrative than his position in the legislature. Postlegislative politics is being good to Joe Handrick, and he is still young and energetic enough to enjoy his new role.

Legislator

Joe Handrick had a good legislative career. As a freshman, he asserted his intention to follow his conservative principles but also to consider what his constituency wanted. First and foremost, he saw himself embodying the inde-

pendence of the rural North Woods. In a piece of correspondence, he laid out for me his perception of the role of the legislator:

There are some lawmakers who always vote their conscience no matter what their constituents believe. Others always put their finger in the air and side with the majority. On issues of personal moral or religious issues I vote my conscience—abortion, for example. I'm pro-life and that's how I vote. If a poll showed my district was pro-choice, I would still be pro-life. As it works out, this problem never arose for me because on issues like abortion and the death penalty, the majority of my constituents share my views.

Sometimes, the need to reconcile his informed perspective on an issue with the less informed perspectives of his constituents would rear its head. In those situations, Joe said, "I try to vote the way my constituents would if they had the same information I did," which allowed him latitude in going against his conservative constituency. He noted, though, that "this can be tricky."

"Take the gas tax. . . . If you asked voters if they supported a penny increase in the gas tax, they would say no. If you asked voters if they supported making Highways 29 and 51 into four-lanes, they would say yes. In 1997, I had to decide whether to support a one-cent increase in the gas tax. Without it, the Highway 29 and 51 projects would have been delayed. . . . I had to use my judgment, and in my judgment, the majority of residents in my district would have supported the one-cent increase if the question were not asked in a vacuum but was coupled with the question relating to Highways 29 and 51."

Joe Handrick was a voice that represented the perspectives and priorities of his constituency, though he would temper the delegate role. He asserted the independence of representing this last frontier of Wisconsin and, implicitly, also his independence as representative of the North Woods.

As a freshman legislator, his prior experience working with the assembly inculcated in him an immediate appreciation of the need to follow the norms of the chamber, especially in terms of cultivating allies and forging cooperation with other players. "One of the first things you learn is that you can accomplish nothing on your own. An effective legislator must work with colleagues, members of the senate, the governor, the press, the lobbying community. Passing laws truly is a team sport." A failure to recognize the need for cooperative behavior in the chamber would only further frustrate a legislator's ambitions, because "a legislator who never compromises is a legislator who will never accomplish anything."

Handrick was not above being forceful in pressing home his views or in challenging the core tenets of his opponents. At the time he was in the Wis-

consin assembly, he was the only occupational therapist in the United States to serve as a legislator. As such, he did bring a unique perspective to issues relating to persons with disabilities. One of his hallmark moments on the floor of the legislature was when he made "rather strongly-worded statements aimed at Democratic lawmakers on disability issues . . . liberals have a very condescending view of persons with disabilities. They view them as helpless citizens who need their big government 'compassion' and care. In my view there is nothing compassionate about a political party that seeks to do things for people rather than giving people the tools they need in order to do things for themselves."

Handrick was in the legislature when sweeping changes were made in the social welfare system. He credited this as the top "team" accomplishment of his three terms, as it fit his philosophy of government as a helper. "[Before reform,] if parents on welfare became employed they would lose their benefits and receive no help in obtaining health care and child care. We said, 'This is wrong.' Instead of paying people not to work, let us help them obtain employment and use the money we were using to pay them to stay home and use it to help with child care and health care. . . . Because of our work . . . thousands of people are going to live better lives, more independent lives . . . that is a very rewarding feeling [to break the cycle of dependency]."

He was also hard at work on specific legislation related to constituency issues. Northern Wisconsin has long been a vacation spot for people from Milwaukee and Chicago. The cool breeze of the lake country and the outdoor recreation opportunities grow some of these communities by a factor of ten in the summer, and, more recently, many retirees created permanent homes in District 34. One consequence of this historic vacation trade is the existence of old, historic structures in close proximity to lakes, rivers, and streams. Many of these structures violate newer state laws regarding construction near water sources and in wetlands. But, because these structures predate the creation of these laws, they cannot be arbitrarily pulled down for nonconformity.

The other side of the issue that concerned Joe was the fate of such structures if they were damaged or destroyed by accident. The boathouses, small vacation cottages, and dinner clubs that nestle up to the bodies of water are part of the character of this region. On occasion, a boathouse might collapse or a restaurant might burn, and issues of reconstruction of facilities versus environmental preservation would come into conflict. The preservation and protection of these structures was important to Handrick, and he sought as a legislator to deal with the problem of nonconforming structures.

"If you drive around the North, you notice there are hundreds of small cottages and homes that could never be built today. They are on property that is not large enough on which to construct a home given current zoning laws. The change [in the law] we made says that if you own [a nonconform-

paid where they used no signs, “just to test the hypothesis. Well, we might put *one* out on election day.”⁷⁴

While Joe sees media as having limited value by itself, it is highly valuable when used well. “Look, TV is more powerful than any other medium. You can run newspaper ads and put up signs all summer, and no one knows who you are. One week of TV and everybody knows you.” Even in small-town Wisconsin, the encroachment of professional political techniques was becoming evident.

This perspective is indicative of an evolution in the politics of the United States. Even in relatively small, local constituencies, the political campaigns are becoming slicker, more media oriented and are increasingly influenced by political professionals. Johnson (2001) observes that this change both affects the opportunities for volunteer participation and is also a product of decreasing campaign volunteerism. When nonprofessionals take part in campaigns, they are driven by numerous motives. The main commonality across them is that they “have personal interests in the candidate, the office, and the issues.” In many instances they are continuing a long-standing relationship with the candidate, because they worked for them in the past. Some are looking for entrée into professional politics or government. And, they will work across campaigns when asked, because they are part of a class of amateur political activists who “can usually be relied upon to help other candidates [though their efforts] are almost always limited to their city, county, or state . . . election work is not their principal source of income” (xv).

At the end of the twentieth century, the political landscape of the United States became increasingly professionalized:

The 1990s witnessed another transformation. Candidates for office below the statewide level were beginning to seek the advice of political consultants. For many candidates, the dividing line was the \$50,000: those who could not raise that kind of money had to rely solely on volunteer services . . . professional consulting services, such as phone banks, telemarketing, direct mail, were supplanting the efforts once provided by volunteers. (Johnson 2001: 7)

State legislative campaigns are becoming increasingly costly, even in states with small districts. There has been a decline of engagement in a variety of community activities that undermines the maintenance of small-scale politics on the backs of volunteers. Also, the evolution of communication technologies have changed how even small-scale campaigns are run:

There is a dwindling number of people who devote free time to helping candidates . . . veteran Republican strategist Stuart Spencer observed that the combination of money and television was leading

ing property that is damaged or destroyed] by fire, wind, or vandalism and if your property does not allow you to relocate the structure to make it conforming, you can rebuild in the existing ‘footprint.’”

This was one of several examples of Handrick acting to find practical compromises to problems confronted by his constituency. In some other areas—equalizing the fishing rights of other residents with the rights of the Native Americans, or limiting legalized gambling—he was less successful.

Strategic Reelections

Reelection campaigns for the young incumbent in District 34 were uneventful but never taken for granted. Handrick ran two reelection campaigns, in 1996 and 1998, and won each by large margins. However, he never got past the observation that “paranoia is why incumbents survive.” Much like other legislators we meet in this book, Handrick waged constant politics in order to deter potential strong challengers and obliterate others who might run. His specialty was working to take out potential challengers before they could run against him. Most typically this meant trying to knock local Democratic officeholders off balance or out of office. During a conference with me and a legislative staffer in Madison, Joe recalled one such effort.

“We went to this kid—he looked to be about twelve—who was running against this Democratic mayor, and we said, ‘Hey, we’re here to help you beat [the incumbent].’ He couldn’t believe that we wanted to come in, do GOTV for him, help him with money and advertising and door drops. Well, we did, and this kid, he becomes mayor of Rhinelander.”

Strategic campaigns were run against county board members, school board members, and other local officials. Such practices served three purposes. First, it tried to eliminate potential rivals for Joe’s seat in the assembly; a vanquished challenger is less formidable. Second, in addition to the removal of immediate threats, Handrick built up a reservoir of goodwill with other local GOP officials and the local party by building grassroots strength. Finally, he kept his campaign organization and get-out-the-vote data in top shape by constantly exercising it in various off-year local contests. In both 1996 and 1998, Handrick was reelected by substantial margins.

As a campaigner, Handrick was not easily pigeonholed with a variety of national consultants who advocate a top-down, electronic campaign or a one-size-fits-all strategy. Despite his evaluation that there was too little grassroots and too much media in his failed senate campaign, Joe sees subtle distinctions of the value of both approaches. As he noted earlier, working doors works. But, at the same time, the other, more visible symbol of grassroots campaigning—yard signs—hold no value to Joe Handrick. “Signs don’t vote. If they did, I would be a senator.” Handrick recently managed an incumbent cam-

to the disappearance of volunteers. "Because of the new technology, few campaigns are 'people campaigns' any more. You don't need a bunch of little old ladies stamping envelopes to send out a direct mail piece." (18)

It is into this new realm of small-scale political consulting that Joe Handrick had been moving, slowly, deliberately, for a number of years, as he planned, coordinated, and executed campaigns for Republican assembly candidates. His future in politics would come from the part of the game he liked best, planning and executing campaign strategies and allocating campaign resources in order to do the most good.

Why is such professionalization increasing? Well, to look at Joe Handrick, his campaigns, and his postelective career, it is because of the increased access to sophisticated production and analytic technologies—video production, layout software, and computerization—and also because active, intelligent campaign technicians like him take an interest in the art of designing campaign materials and messages. "When you look at my commercials," Joe recalled, "you can see the influence of other campaigns, other advertisements in the ads. What I would do in scripting and planning my own ads is look to national and major-race examples of effective ads—you know, like the 'Morning in America' ad, and find a way to adapt it to my own campaign" or a client's campaign. The production values on Handrick's early TV are about what one would expect in a local campaign, at the high end of the cable advertising food chain, but the content and delivery are very professional. His product improved through time.

Getting Out

Joe from Minocqua was getting tired. The assembly in Wisconsin paid a decent salary by state legislative standards—midthirties—but that pay was not substantial when one considers that a member was constantly gone from home or maintaining two households. The round trip from Minocqua to Madison was five hundred miles, and the drive became tiring after a while. In the spring of 1999, Joe Handrick was into his third term. He had sponsored important legislation for his constituency, completely dominated all comers in his reelection campaigns, and risen to a position of significance on the Reapportionment Committee. Yet, by the end of spring, he was informing the leadership and his constituents that he would not seek another term. At age thirty-three, Joe Handrick was moving on. But to what? And why?

"It first hit me after I won reelection in '98," he told me in the living room of his parents' bed and breakfast, "that I wasn't sure what was next. I mean, here you are, you've accomplished the one goal you had in your life at twenty-eight, and you've risen steadily and done all you can with a job. You

start to ask yourself, 'Should I have set my goals higher?' or 'Is this all there is?'" Joe wasn't necessarily bored with politics; instead, his current position posed no challenges. Handrick is very open and specific about the constraints that existed on members to affect public policy design in the majority caucus.

"It got to the point where I realized that a monkey could do my job. I just sat in a chair and pushed green or red depending on where the party was on the issue. Anyone can do that, and you don't have to be very smart to be a legislator if you don't mind having no independence.

"The speaker has total control of everything in the majority caucus," he continued. "If you are not on the inside, completely in line with the leadership, then you are outside." The majority caucus was tightly controlled by a small group of legislators who were close to the speaker and who were completely in agreement with his agenda and would defer to his decisions. Historically, the assembly speaker enjoys substantial power and control, though not always to the extent that Speaker Jensen exercised. "Jensen is brilliant but had to be in control of everything. If you wanted power, you had to be willing to give up your power and your discretion."

A good government advocate, Handrick expressed early and public concerns regarding the party caucus system in the state legislature, and on several occasions he sponsored legislation to defund the caucuses and move their activities out of the capitol. This early recognition of the potential ethical problems in the caucuses was borne out in 2002, when majority leadership in both the assembly and senate were indicted on charges of extortion, ethics violations, and abuse of public office for political activities involving caucus employees. "People now come to me and say, 'Joe, what did you see going on back when you sponsored those bills?'" Joe recalled, with no small amount of regret, that the whole problem might have been avoided.

Ultimately, though, politics and power were not the only reason for Joe Handrick to hang up his spurs. His life had changed dramatically from 1994 to 2000, and he saw other, more important demands on his time. Married in 1990 and elected in 1994, he and his wife were expecting during the 1996 campaign, and Joe campaigned with his new daughter during the 1998 campaign. Another child would arrive in 1999. Handrick put it quite simply to the press: "Many people are qualified to serve in the assembly, but only one person in the world can be my kids' dad." Later, he also commented, "I am leaving for the right reasons. Conservatives talk about family values, and I want to do more than talk about them. Holding this job with two small children is simply not in their best interest."

There were other, powerful ethical reasons for Joe's decision to move on. In 1994, he had run for the assembly as an advocate of term limits. In a press release timed to coincide with his retirement announcement, Joe stated that

there are a lot of big egos in politics. Candidates need to have a certain amount of ego. You need to believe that you can do the job,

you need the self-confidence that you can make a difference. Where some politicians go wrong is in thinking that the office is about them and forgetting what is really important. . . . [T]his is why I support term limits. People who serve too long simply get too wrapped up in themselves and in getting reelected. They forget who sent them there and what they sent them there to do.

In the end, Joe from Minocqua was confronting the dilemma of many in public service. His personal context had changed; he had children and a spouse, and therefore variety of personal life demands that competed with legislating. He was also professionally frustrated. The situation he described with the leadership and the process by which power was allocated and policy was crafted also frustrated him; he could no longer tolerate the limitations on his ability to affect policy in the legislature. Handrick was going to phase out of his role as assemblyman and phase into the role of campaign consultant and redistricting consultant for the assembly Republicans.

Postlegislative Career

After leaving the assembly, Joe Handrick started slowly, deliberately to build a clientele in Wisconsin politics. While he was no longer in the legislature, he was still in Madison, housed across the street from the capitol building in an office tower full of government relations law firms and lobbying groups. He was starting small, doing work for two groups, the Bear Hunters and the organization that represents the seven hundred anesthesiologists in Wisconsin. His major contribution over the past two years, though, was a reprise of his 1992 role as the creative master of the Republican legislative redistricting proposals for the assembly and senate.

Handrick was a master of electoral analysis. He knew where to find information and how to glean useable knowledge from numbers that is implicit and based on understanding the totality of issues and messages associated with particular candidates and their circumstances. In 1992, he demonstrated his marriage of technical and political skills in crafting a set of maps for the assembly Republicans that, while not entirely adopted by the federal court panel, were sufficiently close to court-applied standards that they anticipated the map crafted by Judge Posner and his colleagues. In 2001, Handrick would confront a similar challenge, as redistricting bogged down into a stalemate between Republican assembly speaker Scott Jensen and Democratic senate majority leader Chuck Chvala. Again a federal court would craft the maps, and, again, Handrick demonstrated remarkable skill in crafting a set of map proposals that, while not adopted by the court, again reflected the priorities of the court and anticipated the design of the map created by a three-judge panel.

Handrick, together with former Republican caucus staff from the assembly, was contracted as an independent consultant, working through the law firm representing the assembly in redistricting, to develop legislative maps that would stand up to a high degree of scrutiny by the courts and that would also be favorable to Republicans.

Legislative district plans are evaluated on a variety of dimensions, some of which are legal, constitutional, political, or aesthetic. It is expected that state legislative plans will be designed so that all legislative districts have approximately the same number of residents. Legislative district plans cannot violate the racial provisions of equal protection under the Fourteenth Amendment, and they must also comply with the Voting Rights Act while navigating the restrictions against race-based redistricting that arise from Supreme Court cases in the 1990s. State-specific legal standards must also be considered, such as the Wisconsin requirement that senate districts be composed of three whole assembly districts.

Then, a variety of political and aesthetic factors are typical of the “good government” mentality of fair legislative maps. Superior legislative plans under the assumptions of the good government perspective are expected not to divide towns or counties needlessly; not to create needlessly oddly shaped legislative districts and to pursue overall compactness as a virtue of the map as a whole; to avoid needless incumbent pairings from one party over the other party but also not to consider incumbent placement over other criteria; and to have no more political impact than necessary of the balance in the chamber, in order to accommodate population changes since the last census. All Joe Handrick had to do was to craft a set of potential legislative maps that would incorporate all of these features, in a map that was superior to an alternative that Democrats or some intervening party might propose, and that the Court would accept.

As Joe recalled to me, “Our conversations and initial planning indicated that, if we just drew a fair map, we could get a map that would advantage us in the coming decade. . . . I recalled our work with Professor Bibby [John Bibby, of UW-Milwaukee] in the previous redistricting and set about trying to find a measure of partisan fairness that would allow me to baseline changes in the map. We tried to avoid splitting up towns and cities needlessly and worked to draw compact districts.”

Just because Joe Handrick produced a fairly neutral map (his best map had very low population deviations, compact districts, competitive districts, very few town divisions, and a very low rate of senate voter disfranchisement) did not mean that he could not craft a better map for Republicans. “Oh, I could have crafted a map that would have allowed us tremendous advantages . . . we could have really done the Democrats.” But that map would not have been as good on other, neutral factors that courts might consider when evaluating maps. And, to assist the lawyers and political leaders in the assembly in

convincing those with more partisan motivations of the wisdom of the “fair” map, Handrick crafted a “doomsday map. It was the worst-case scenario of what the Democrats could do to us if we were not careful.” That map was helpful in convincing those with highly partisan motivations to pursue a strategy of minimizing harm.

The trial established the basic soundness of this strategy, which was advocated by the Republican legal team and implemented by Handrick’s electoral artistry. Experts for the various maps on all sides attempted to debunk opposition maps and to advocate for the principles of their client maps. Issues of electoral fairness were interspersed with questions about equal protection and the implementation of the Voting Rights Act vis-à-vis the Wisconsin maps. But, for the federal court, the goal was to collect information, assess the validity of the claims of the various parties, and then take action based on the principles of neutrality and fairness that are the hallmark of court-drawn maps. The court would undertake to remedy what it identified as legal and constitutional defects under the old legislative map, while making no more changes than necessary.

The Handrick map ended up being not far off the mark. The map produced by the three-judge panel remedied the constitutional and legal defects in the old legislative map, and, while it did not come as close as Handrick’s maps in terms of population deviations, there was remarkable similarity to the Handrick maps in terms of the neutral “good government” elements of the map. The placement of new districts ensured that Republicans would not only retain control of the assembly but might also win the senate. For his efforts, Joe Handrick was well compensated.

Running the Conduit

Working in redistricting can be interesting and lucrative. However, redistricting and reapportionment are “seasonal” work; most states will only craft legislative boundaries once per decade, in the wake of the census. Joe Handrick was a talented artisan of electoral maps, and he planned to develop future consulting opportunities for the next reapportionment and redistricting after 2010. In the meantime, he had to find other work.

Handrick’s primary role since the end of the redistricting litigation was to run a campaign finance “conduit” for the organization representing anesthesiologists in Wisconsin. This entailed examining legislator voting and behavior, networking, and making recommendations regarding the targeting of donations that channel through the conduit.

He was approached by the organization to come to work for them directly as an executive director. While Joe clearly wanted to work with the organization, given his own professional ties to the health care industry, he did not especially want to be tied down to one client, one job, and acting as

Table 4.3 Candidate Use of a Political Consulting Firm (%)

Candidate Age	Strategy	Ads	Direct Mail	Polls	Voter Info	Phone Banks	Management	Fund Raising
Under 35 (n = 47)	17.0	19.1	19.1	10.6	10.6	10.6	8.5	6.4
35–55 (n = 155)	15.5	18.1	25.2	14.2	9.0%	8.4	6.5	5.8
Over 55 (n = 46)	10.9	6.5	17.4	10.9	8.6	8.6	6.5	4.3
General Election								
Under 35 (n = 68)	11.8	8.8	16.2	20.6	11.8	5.9	5.9	5.9
35–55 (n = 284)	15.5	14.1	21.8	15.5	12.0	9.2	12.3	5.3
Over 55 (n = 114)	14.0	15.8	25.4	13.2	7.9	10.5	4.4	4.4

Source: Hogan (1995).

an association executive director might limit his ability to pursue other options. Instead, he suggested that the organization contract him to perform political action on their behalf. The cost was actually somewhat less to the anesthesiologists than if he had come to work for them directly, because the organization did not have to pay payroll taxes or provide benefits to Handrick. For Joe, it meant higher pay and more autonomy, though he would be carrying the tax burden of self-employment.

In addition, Handrick continues to be active in local campaigns, developing mailers for candidates and interest groups, and also occasionally managing a candidate and developing strategy for assembly candidates. This career has potential for growth, especially in a state where the professional legislature and a competitive two-party environment ensures a stream of money for competitive campaigns. Most state legislative campaigns have not used consultants extensively, but the areas where expertise is most often retained dovetails with Handrick’s interests. Hogan’s survey indicates that consultants were often retained to perform direct mail and, in primaries, to develop advertising (see table 4.3). Handrick has tapped a professional niche, though it is a boutique industry at present.⁵

Conclusion

Joe Handrick had an early, clear vision of his political ambitions. Those ambitions resided in Madison, as a representative of his neighbors. It was a burning desire, and it was never expressed as a function of any one overarching policy concern or as a part of a larger ambition to attain statewide or national office. Handrick wanted to do government, to act as a conservative voice in a legislature that was, for him, often too liberal. He wanted to represent the values of his neighbors and promote what he describes as the core of the conservative creed: helping people help themselves.

The road to public office for Joe Handrick was not easy. The close calls of his initial campaigns also contained tough lessons about winning and losing that shaped his campaign philosophy and that also caused him to confront both self-doubt and the ego that accompanies the attention paid young, effective politicians. He deferred other goals, including his education and his professional career in occupational therapy, in order to pursue politics. However, it was not until the political context of the constituency changed and Handrick found closure on parts of his life, most notably his education and the initiation of his professional career, that he attained political success.

The Joe Handrick that ran at age twenty was bright, hardworking, and ideologically defined. He did exceptionally well when his performance is compared to expectations, and he was identified as a comer, a rising candidate with promise. But he was also very young, he made mistakes, and there was a limit to his ability to portray himself as a candidate beyond the scope of ideology and energy. The Joe Handrick who ran and won at twenty-eight was a more fully realized candidate. He had a career, a campaign theme that went beyond ideology, and a campaign style that fit his constituency. His win would not have been possible without the person who had lost twice previously. Handrick was considered a serious contender for an open seat because he had worked so hard in his previous campaigns, defying expectations and pressing hard two different incumbent Democratic legislators. He paid his dues, taking the hard lessons of defeat and incorporating them into a campaign plan that would propel him to his personal goals.

Once he achieved his political goal of election to the assembly and had legislated for five years, he discovered that the environment of the legislature did not allow him the scope of participation he sought. His forms of independence and empowerment were not consistent with the power structure of the Republican-controlled assembly; he was unwilling to cede independence to achieve power. Joe moved on from elective office.

If we return to the contexts described in chapter 1, we see that Joe's career is shaped by a variety of changing contexts. The access context held constant. The structural context changed, especially with regard to the continuing value of the legislative seat. In Handrick's first three legislative campaigns, he existed on the first dimension of the legislature's structure, as a recruit, and continued on that dimension as a retained member. He found areas of specialization within the institutional structure. But, ultimately, the existence of a seat that was safe for him and the desire of the leadership to retain him were insufficient to offset the third prong of the legislature's structuring role—authority distribution within the chamber. His needs were not met by the internal organization of the legislature, and therefore the value of his seat was diminished in his eyes.

The context that was most altered was the personal context. Joe Handrick at twenty had one purpose: to run for office. Joe Handrick at twenty-eight

was married. Joe Handrick at thirty-three was a father, with a daughter and a son on the way, and, in his mind, legislating and parenting were not consistent pursuits. For Joe, the question he asked of himself in 1994 was irrelevant; it was no longer a matter of what to do after he had accomplished everything he set out to do. In 2000, it was a matter of whether the ambitions of his early youth were consistent with his personal and professional needs. And they were not.

Notes

1. Holperin had his share of constituency challenges in his last few years in office. In 1990, he was the subject of a recall election because of the spearfishing issue. Holperin opposed special spearfishing privileges for Native Americans, but because he wasn't an active voice against the spearfishing treaty, the most virulent opponents came after him.
2. This is the obligatory baseball reference in this book. Paul Molitor played for the Milwaukee Brewers for fifteen seasons, hitting .306 with over two hundred home runs.
3. A *push poll* is a technique where biased question design, under the guise of polling, is used to persuade a voter by emphasizing candidate negatives.
4. Joe called me before the book went to press and indicated that the incumbent in the experiment was reelected by exactly the same margin as before, when he put out five hundred signs.
5. As an aside, in primaries and general elections, consultant use was typically lowest among younger candidates. Young candidates in general elections most often used professional consultants to develop and implement polls, while other candidates most often used firms to handle direct mail.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

ALVIN BALDUS, CARLENE BECHEN, ELVIRA
BUMPUS, RONALD BIENDSEIL, LESLIE W.
DAVIS, III, BRETT ECKSTEIN, GLORIA
ROGERS, RICHARD KRESBACH, ROCHELLE
MOORE, AMY RISSEEUW, JUDY ROBSON,
JEANNE SANCHEZ-BELL, CECELIA
SCHLIEPP, TRAVIS THYSSEN, CINDY
BARBERA, RON BOONE, VERA BOONE,
EVANJELINA CLEERMAN, SHEILA
COCHRAN, MAXINE HOUGH, CLARENCE
JOHNSON, RICHARD LANGE, and GLADYS
MANZANET,

Plaintiffs,

Case No. 11-CV-00562
JPS-DPW-RMD

TAMMY BALDWIN, GWENDOLYNNE MOORE and
RONALD KIND,

Inteviewer-Plaintiffs,

Members of the Wisconsin Government
Accountability Board, each only in his official
capacity: MICHAEL BRENNAN, DAVID
DEININGER, GERALD NICHOL, THOMAS
CANE, THOMAS BARLAND, and TIMOTHY
VOCKE, and KEVIN KENNEDY, Director and
General Counsel for the Wisconsin Government
Accountability Board,

Defendants,

F. JAMES SENSENBRENNER, JR., THOMAS E.
PETRI, PAUL D. RYAN, JR., REID J. RIBBLE,
and SEAN P. DUFFY.

Inteviewer-Defendants.

VOCES DE LA FRONTERA, INC.,
RAMIRO VARA, OLGA VARA,



JOSE PEREZ, and ERICA RAMIREZ,

Plaintiffs,

v.

Case No. 11-CV-1011
JPS-DPW-RMD

Members of the Wisconsin Government
Accountability Board, each only in his official
capacity: MICHAEL BRENNAN, DAVID
DEININGER, GERALD NICHOL, THOMAS
CANE, THOMAS BARLAND, TIMOTHY
VOCCKE, and KEVIN KENNEDY, Director
and General Counsel for the Wisconsin
Government Accountability Board,

Defendants.

DEFENDANTS' AMENDED INITIAL RULE 26(a) DISCLOSURES

NOW COME the defendants by their attorneys, J.B. Van Hollen, Attorney General, and Maria S. Lazar, Assistant Attorney General, and make the following amended initial disclosures pursuant to Fed. R. Civ. P. Rule 26(a)(1):

A. Individuals potentially having knowledge that the defendants may use to support their claims or defenses.

Defendants assert that the Government Accountability Board ("GAB") did not prepare, edit, or in any other way draft the redistricting maps for the new boundaries which were passed by the Legislature on July 19 and 20, 2011 and signed into law (2011 Wisconsin Acts 43 and 44) by the Governor on August 9, 2011. GAB and the individual defendants have been sued because of their statutory responsibility to implement the districts that are now the law of the State. The defendants had no communications with the Legislature, prior to the enactment of the new

redistricting maps on August 9, 2011, with respect to the boundaries of the new maps. Accordingly, the information and details provided in these Amended Initial Rule 26(a) Disclosures are preliminary and to the best of the defendants' knowledge at this time. Defendants may amend these Disclosures as more discovery is completed.

Based upon the foregoing, the defendants make the following amended initial disclosures in accordance with the Court's Scheduling Order dated November 14, 2011:

1. Defendant Kevin J. Kennedy (GAB Director and General Counsel)
Government Accountability Board
212 East Washington Avenue, 3rd Floor
Madison, WI 53703
(608) 266-8005

Implementation of new redistricting maps (2011 Wisconsin Acts 43 and 44), other election administration, including but not limited to, election process, deadlines, past elections and historical information.

2. Nathaniel E. Robinson (GAB Division Administrator, Elections Division)
Government Accountability Board
212 East Washington Avenue, 3rd Floor
Madison, WI 53703
(608) 266-8005

Implementation of new redistricting maps (2011 Wisconsin Acts 43 and 44), other election administration, including but not limited to, election process, deadlines, past elections and historical information.

3. Ross Hein
Government Accountability Board
212 East Washington Avenue, 3rd Floor
Madison, WI 53703
(608) 266-8005

Implementation of new redistricting maps (2011 Wisconsin Acts 43 and 44), other election administration, including but not limited to, election process, deadlines, and past elections.

4. Sarah Whitt
Government Accountability Board
212 East Washington Avenue, 3rd Floor
Madison, WI 53703
(608) 266-8005

Implementation of new redistricting maps (2011 Wisconsin Acts 43 and 44), other election administration, including but not limited to, election process, deadlines, and past elections.

5. David Grassel
Government Accountability Board
212 East Washington Avenue, 3rd Floor
Madison, WI 53703
(608) 266-8005

Implementation of new redistricting maps (2011 Wisconsin Acts 43 and 44), other election administration, including but not limited to, election process, deadlines, and past elections.

6. Ann Oberle
Government Accountability Board
212 East Washington Avenue, 3rd Floor
Madison, WI 53703
(608) 266-8005

Implementation of new redistricting maps (2011 Wisconsin Acts 43 and 44), other election administration, including but not limited to, election process, deadlines, and past elections.

7. David Meyer
Government Accountability Board
212 East Washington Avenue, 3rd Floor
Madison, WI 53703
(608) 266-8005

Implementation of new redistricting maps (2011 Wisconsin Acts 43 and 44), other election administration, including but not limited to, election process, deadlines, and past elections.

8. Ronald Keith Gaddie, factual and expert testimony
Professor of Political Science
The University of Oklahoma
455 West Lindsey Street, Room 222
Norman, OK 73019-2001
(405) 325-4989

Professor Gaddie will provide testimony regarding the constitutional requirements of the legislative maps at issue including, but not limited to, contiguity, compactness, communities of interest, core district populations, population requirements, voting rights, municipal and county splits, pairings, potential disenfranchisement and the lack of impermissible political gerrymandering of districts.

9. Individuals from the Legislature or one of its agencies who can provide factual, population, census data and other historical information related to the constitutional requirements of legislative maps at issue.
10. Individuals from the Legislature, and/or its various bodies, or those individuals on the Legislature's behalf, who were involved in drawing the redistricting maps that were signed into law on August 9, 2011, including without limitation, those individuals who reviewed the 2010 decennial census and assisted in determining the appropriate, constitutional boundaries for the state and Congressional districts as memorialized in Acts 43 and 44:

Adam Foltz
Room 211 West, State Capitol
Madison, WI 53708
(608) 266-3387

Tad Ottman
Room 211 South, State Capitol
Madison, WI 53708
(608) 266-5660

Joe Handrick
Reinhart, Boerner, Van Deuren, S.C.
1000 North Water Street, Suite 1700
Milwaukee, WI 53202
(414) 298-1000

11. Individuals from the Legislature, and/or its various bodies, or those individuals on the Legislature's behalf, who were involved in reviewing census and population data from the 2010 decennial census to insure minimum population deviation for the new districts:

Adam Foltz
Room 211 West, State Capitol
Madison, WI 53708
(608) 266-3387

Tad Ottman
Room 211 South, State Capitol
Madison, WI 53708
(608) 266-5660

Joe Handrick
Reinhart, Boerner, Van Deuren, S.C.
1000 North Water Street, Suite 1700
Milwaukee, WI 53202
(414) 298-1000

12. Individuals from the Legislature, and/or its various bodies, or those individuals on the Legislature's behalf, who were involved in reviewing population and other data so as to preserve, to the extent possible and practicable, the core population of prior districts as well as communities of interest:

Adam Foltz
Room 211 West, State Capitol
Madison, WI 53708
(608) 266-3387

Tad Ottman
Room 211 South, State Capitol
Madison, WI 53708
(608) 266-5660

Joe Handrick
Reinhart, Boerner, Van Deuren, S.C.
1000 North Water Street, Suite 1700
Milwaukee, WI 53202
(414) 298-1000

13. Individuals from the Legislature, and/or its various bodies, or those individuals on the Legislature's behalf, who assisted the Legislature in insuring that the new redistricting maps, to the extent possible, kept wards and municipalities whole within legislative district boundaries and to the extent possible, recognized local government boundaries:

Adam Foltz
Room 211 West, State Capitol
Madison, WI 53708
(608) 266-3387

Tad Ottman
Room 211 South, State Capitol
Madison, WI 53708
(608) 266-5660

Joe Handrick
Reinhart, Boerner, Van Deuren, S.C.
1000 North Water Street, Suite 1700
Milwaukee, WI 53202
(414) 298-1000

14. Individuals from the Legislature, and/or its various bodies, or those individuals on the Legislature's behalf, who assisted the Legislature to insure that, if voters were shifted

from odd to even senate districts, they were not unnecessarily disenfranchised by being deprived of the opportunity to vote:

Adam Foltz
Room 211 West, State Capitol
Madison, WI 53708
(608) 266-3387

Tad Ottman
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Madison, WI 53708
(608) 266-5660

Joe Handrick
Reinhart, Boerner, Van Deuren, S.C.
1000 North Water Street, Suite 1700
Milwaukee, WI 53202
(414) 298-1000

15. Individuals from the Legislature, and/or its various bodies, or those individuals on the Legislature's behalf, who reviewed the 2010 decennial census data and the previous districting maps to insure that the new districts were as geographically compact as practicable:

Adam Foltz
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Madison, WI 53708
(608) 266-3387

Tad Ottman
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Madison, WI 53708
(608) 266-5660

Joe Handrick
Reinhart, Boerner, Van Deuren, S.C.
1000 North Water Street, Suite 1700
Milwaukee, WI 53202
(414) 298-1000

16. Individuals from the Legislature, and/or its various bodies, or those individuals on the Legislature's behalf, who assisted the Legislature to prevent unnecessary and unconstitutional voter dilution of minority voters:

Adam Foltz
Room 211 West, State Capitol
Madison, WI 53708
(608) 266-3387

Tad Ottman
Room 211 South, State Capitol
Madison, WI 53708
(608) 266-5660

Joe Handrick
Reinhart, Boerner, Van Deuren, S.C.
1000 North Water Street, Suite 1700
Milwaukee, WI 53202
(414) 298-1000

17. Individuals from the Legislature, and/or its various bodies, or those individuals on the Legislature's behalf, who assisted the Legislature to insure that the new districts reflected communities of interest:

Adam Foltz
Room 211 West, State Capitol
Madison, WI 53708
(608) 266-3387

Tad Ottman
Room 211 South, State Capitol
Madison, WI 53708
(608) 266-5660

Joe Handrick
Reinhart, Boerner, Van Deuren, S.C.
1000 North Water Street, Suite 1700
Milwaukee, WI 53202
(414) 298-1000

18. Individuals who reside in, or are familiar with, challenged districts and/or pre-existing districts with respect to facts about those districts that are relevant to the constitutionality of the new redistricting maps.
19. Experts retained on behalf of the Legislature, and/or its various bodies, who assisted in preparing the redistricting maps.
20. Experts retained, or to be retained, on behalf of the defendants who will assist in defending against the allegations in the Second Amended Complaint.

Ronald Keith Gaddie, factual and expert testimony
Professor of Political Science
The University of Oklahoma
455 West Lindsey Street, Room 222
Norman, OK 73019-2001
(405) 325-4989

Professor Gaddie will provide testimony regarding the constitutional requirements of the legislative maps at issue including, but not limited to, contiguity, compactness, communities of interest, core district populations, population requirements, voting rights, municipal and county splits, pairings, potential disenfranchisement and the lack of impermissible political gerrymandering of districts.

21. Other individuals whose identity will become known through further discovery.

Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(i), the parties are to provide “the name, and if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.” Accordingly, the names listed above consist of the individuals, presently known to the defendants, who the defendants may use to support their claims or defenses. *Gluck v. Ansett Australia Ltd.*, 204 F.R.D. 217 (D.D.C. 2001) (plaintiff challenging defendants 26(a) disclosures required to show

that defendant intended to use undisclosed individuals at trial); *A Traveler v. CSX Transp., Inc.*, No. 1:06-cv-56, 2006 WL 2051732 (July 20, 2006, N.D. Ind.). Federal Rule of Civil Procedure 26, 2000 Notes of Advisory Committee, ¶9 ("A party is no longer obligated to disclose witnesses or documents, whether favorable or unfavorable, that it does not intend to use. . . . As case preparation continues, a party must supplement its disclosures when it determines that it may use a witness or document that it did not previously intend to use."); *Crouse Cartage Co. v. Nat'l Warehouse Inv. Co.*, No IP02-0071-c-T/K, 2003 WL 21254617 (S.D. Ind. April 10, 2003) (challenge to 26(a) disclosures failed to clear "high hurdle" of demonstrating intent to use undisclosed witness).

Moreover, the matter at issue in this case is the constitutionality of Acts 43 and 44. Several of the individuals listed by the plaintiffs—aside from their expert—appear to be relevant only to the intent of the Legislature when it enacted these Acts. The Wisconsin State Supreme Court has expressly noted that legislative intent is determined by the language of a statute, not the subjective views of individual legislators who may have supported a bill. "It is the enacted law, not the unenacted intent, that is binding on the public." *State ex rel. Kalal v. Circuit Court*, 2004 WI 58, ¶ 44, 271 Wis. 2d 633, 681 N.W.2d 110. While there may be some inquiry into the action taken by the Legislature, "[g]overnmental action only fails rational basis scrutiny if no sound reason for the action can be hypothesized." *Board of Trustees v. Garrett*, 531 U.S. 356, 367 (2001). Finally, it is quite difficult, if not nearly impossible to determine legislative intent. *Edwards v. Aguillard*, 482 U.S. 578, 636-37 (1987) (J. Scalia, dissenting) ("discerning the subjective motivation of those enacting statutes is, to be honest, almost always an impossible task. The number of possible motivations, to begin with, is not binary, or indeed finite . . . To look for the sole purpose of even a single legislator is probably to look for something that does

not exist.”) Indeed, if the trial in this case will delve into subjective motivations, it will not be completed within the four days allotted. Therefore, some of the individuals identified in the plaintiffs’ Initial Disclosures are not relevant to this challenge, and, are appropriately not identified by the defendants.

B. Potentially relevant documents.

Defendants may use the following documents to support their defenses in this matter.

1. Documents in the possession of the GAB with respect to the implementation of the legislative maps at issue.
2. The approved legislative maps which were created (by the Legislature or the Courts) each decade from 1970 through 2002.
3. The decennial census from 1970 through 2010.
4. Documents which detail population growth and changes from 1970 through 2010, including, but not limited to, historical, minority-based, social, and other community of interest breakdowns.
5. Historical documents and information relating to the constitutional requirements for the legislative maps at issue, including, but not limited to, contiguity, compactness, communities of interest, core district populations, population requirements, voting rights, municipal and county splits, pairings, and potential disenfranchisement.
6. Documents in the possession of the Legislature, and/or its various bodies, that were utilized to draft the 2011 legislative maps at issue.
7. Expert reports and analysis, if any, in the possession of the Legislature, and/or its various bodies, that were utilized to draft the 2011 legislative maps at issue.

8. The defendants reserve the right to further supplement this response with any documents that become known through further discovery.

Any of the documents listed above which are in the possession of defendants will be made available for inspection by the other parties at a time and place mutually agreed upon by all parties. Any copies that are requested as a result of any inspection may be obtained at the expense of the requestor at the usual State copying rate.

C. Calculation of damages.

Monetary damages are not being sought in this action. Defendants reserve the right to present rebuttal evidence through their named fact and expert witnesses, as to any damages alleged by the plaintiffs.

D. Insurance agreements.

The State of Wisconsin is self-insured.

Dated this 25th day of November, 2011.

J.B. VAN HOLLEN
Attorney General



MARIA S. LAZAR
Assistant Attorney General
State Bar #1017150

Attorneys for Defendants

Wisconsin Department of Justice
Post Office Box 7857
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(608) 267-3519
(608) 267-2223 (fax)
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801.17 COMMENCEMENT OF ACTION AND VENUE

Updated 09–10 Wis. Stats. Database 16

functioning equipment or traffic delays. The committee considered limiting the court's discretion to correct technical errors in the filing of initiating documents, where untimely filing is a jurisdictional issue, but decided against creating a bright-line rule because of occasional exceptions such as *St. John's Home of Milwaukee v. Continental Casualty Co.*, 147 Wis. 2d 764, 788–89 (Ct. App. 1988) and *Granado v. Sentry Ins.*, 228 Wis. 2d 794, 799 (Ct. App. 1999).

Paperless Courts: E-Filing in Wisconsin Circuit Courts. Bousquet & Vandercook. Wis. Law. July 2008.

801.50 Venue in civil actions or special proceedings.

(1) A defect in venue shall not affect the validity of any order or judgment.

(2) Except as otherwise provided by statute, venue in civil actions or special proceedings shall be as follows:

- (a) In the county where the claim arose;
- (b) In the county where the real or tangible personal property, or some part thereof, which is the subject of the claim, is situated;
- (c) In the county where a defendant resides or does substantial business; or
- (d) If the provisions under par. (a) to (c) do not apply, then venue shall be in any county designated by the plaintiff.

(3) Except as provided in this subsection, all actions in which the sole defendant is the state, any state board or commission, or any state officer, employee, or agent in an official capacity shall be venued in Dane County unless another venue is specifically authorized by law. All actions relating to the validity or invalidity of a rule shall be venued as provided in s. 227.40 (1).

(3m) Venue in an action under s. 323.60 (8) or (9) related to hazardous substance releases shall be in the county as provided under s. 323.60 (10).

(4) Venue of an action seeking a remedy available by habeas corpus shall be in the county:

- (a) Where the plaintiff was convicted or sentenced if the action seeks relief from a judgment of conviction or sentence under which the plaintiff's liberty is restrained.
- (b) Where the liberty of the plaintiff is restrained if the action seeks relief concerning any other matter relating to a restraint on the liberty of the plaintiff.

(4m) Venue of an action to challenge the apportionment of any congressional or state legislative district shall be as provided in s. 751.035. Not more than 5 days after an action to challenge the apportionment of a congressional or state legislative district is filed, the clerk of courts for the county where the action is filed shall notify the clerk of the supreme court of the filing.

(5) Venue of an action for certiorari to review a probation, extended supervision, or parole revocation, a denial by a program review committee under s. 302.113 (9g) of a petition for modification of a bifurcated sentence, or a refusal of parole shall be the county in which the relator was last convicted of an offense for which the relator was on probation, extended supervision, or parole or for which the relator is currently incarcerated.

(5c) Venue of an action for certiorari brought by the department of corrections under s. 302.113 (9) (d) or 302.114 (9) (d) to review a decision to not revoke extended supervision shall be in the county in which the person on extended supervision was convicted of the offense for which he or she is on extended supervision.

(5m) Venue of an action arising from a consumer credit transaction, as defined in s. 421.301 (10), shall be in any county specified in s. 421.401 (1).

(5p) Venue of an environmental pollution action brought by a person who is not a resident of this state against a commission created under s. 200.23 shall be in the county which contains the 1st class city that is located wholly or partially within the applicable district created under s. 200.23.

(5r) Venue of an action under s. 813.12 growing out of domestic abuse shall be in the county in which the cause of action arose, where the petitioner or the respondent resides or where the petitioner is temporarily living.

(5s) Venue of an action under s. 813.122 or 813.125 shall be in the county in which the cause of action arose or where the petitioner or the respondent resides.

(5t) Except as otherwise provided in ss. 801.52 and 971.223 (1) and (2), venue in a civil action to impose a forfeiture upon a resident of this state for a violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, or for a violation of any other law arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections, ethics, or lobbying regulation under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, shall be in circuit court for the county where the defendant resides. For purposes of this subsection, a person other than a natural person resides within a county if the person's principal place of operation is located within that county. This subsection does not affect which prosecutor has responsibility under s. 978.05 (2) to prosecute civil actions arising from violations under s. 971.223 (1).

(5v) Venue of an action under s. 165.76 (6) shall be in any of the following counties:

- (a) The county where the respondent resides.
- (b) The county in which a court order requiring the respondent to submit a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis was entered.
- (c) The county in which any court proceeding was held that resulted in a requirement that the respondent submit a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis.

(6) Venue under this section may be changed under s. 801.52. **History:** 1983 a. 204, 228, 389, 538; 1985 a. 234, 291; 1987 a. 208; 1993 a. 318, 319; 1997 a. 283; 1999 a. 150 s. 672; 2001 a. 30 s. 108; 2001 a. 109; 2007 a. 1; 2009 a. 28, 42, 261; 2011 a. 21, 38, 39.

Cross-reference: See s. 813.02 (4) for exception to sub. (1) as to venue. **Judicial Council Note, 1983:** Sub. (1) is designed to separate questions of venue from questions of jurisdiction and competency. A defect in venue is not jurisdictional and does not affect the competence of the court. The cure for a defect in venue is to change the place of trial.

Sub. (2) liberalizes the present venue statute by providing the plaintiff with a broader range of initial venue choices. This subsection also deletes many of the archaic distinctions in the former statute.

The following list contains many, but not all, of the specialized venue provisions not found in chapter 801: s. 48.185 (children's code proceedings); s. 48.83 (adoption of minors); s. 51.45 (13) (n) (civil mental commitments); s. 767.65 (11) Revised (proceedings under the uniform reciprocal enforcement of support act); s. 77.12 (forest croplands tax act); s. 111.60 (Wisconsin employment relations act); s. 144.73 (4) [now s. 291.95 (4)] (hazardous waste act); s. 185.44 (1) (cooperative contracts); s. 195.07 (railroad regulation act); s. 196.44 (3) (public utilities regulation act); s. 198.12 (2) (municipal power and water district act); s. 215.02 (5) (savings and loan association act); s. 227.16 (1) (administrative procedure act); s. 232.38 (solid waste recycling authority act); s. 234.22 (housing finance authority act); s. 345.31 (motor vehicle act); s. 421.401 (Wisconsin consumer act); s. 645.04 (1) (insurers rehabilitation and liquidation act); s. 655.19 (health care liability and patients compensation); s. 701.14 (4) (living trusts); s. 752.21 (court of appeals); s. 753.065 (naturalization proceedings); s. 757.89 (Wisconsin judicial commission); s. 776.13 (annulment of corporate charters); s. 779.20 (log liens); s. 799.11 (small claims actions); s. 800.15 (municipal court appeals); s. 880.05 (guardianship actions); s. 882.03 (adult adoptions); s. 971.19 (criminal proceedings); s. 979.01 (inquests of the dead); s. 23.90 (conservation act); s. 45.50 (3) (soldiers and sailors civil relief); and s. 753.34 (5) (Menominee and Shawano counties).

Sub. (3) remains the same in substance.

Subs. (4) and (5) remain unchanged.

Sub. (6) recognizes the authority of the judge to change venue under s. 801.52. [Bill 324-S]

"Substantial business" under sub. (2) (c) is discussed. *Enpro Assessment Corp. v. Enpro Plus, Inc.* 171 Wis. 2d 542, 492 N.W.2d 325 (Ct. App. 1992).

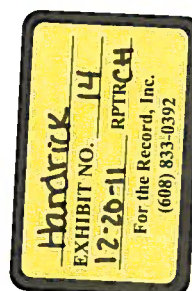
"Where the liberty of the plaintiff is restrained" under sub. (4) (b) is the county where the plaintiff is confined. *State ex rel. Frederick v. McCaugherty*, 173 Wis. 2d 222, 496 N.W.2d 327 (Ct. App. 1992).

A certiorari proceeding to review a probation revocation must be heard in the circuit court of conviction, but it need not be heard by the same branch. *Drow v. Schwarz*, 225 Wis. 2d 362, 592 N.W.2d 623 (1999), 97–1867.

Sections 801.50 and 801.51, the general venue statutes, do not apply to actions arising from consumer credit transactions. Rather, the venue provision in s. 421.401 applies. *Brunton v. Nuvel Credit Corporation*, 2010 WI 50, 325 Wis. 2d 135, 785 N.W. 2d 302, 07–1253.

Wisconsin's revised venue statutes. Fullin, WBB September, 1984.

801.51 Challenges to improper venue. Any party may challenge venue, on the grounds of noncompliance with s. 801.50 or any other statute designating proper venue, by filing a motion for change of venue:



CHAPTER 751

SUPREME COURT



751.01	Terms of justices.	751.08	Enforcement of judgments and determinations.
751.02	Employees.	751.09	Referral of issues of fact and damages.
751.025	Temporary use of court reporters.	751.10	Decisions to be written; part of record; certification.
751.03	Assignment of judges.	751.11	Wisconsin reports; distribution.
751.035	Assignment to a judicial panel; appeals.	751.12	Rules of pleading and practice.
751.04	Seal.	751.15	Rules regarding the practice of law; delinquent support obligors.
751.05	Appellate jurisdiction.	751.155	Rules regarding the practice of law; delinquent taxpayers.
751.06	Discretionary reversal.	751.20	Transfer authority.
751.07	Writs.		

751.01 Terms of justices. The term of office of an elected justice of the supreme court commences on the August 1 next succeeding the justice's election.

History: 1977 c. 187 s. 74; Stats. 1977 s. 751.01.

751.02 Employees. The supreme court may authorize the employees it considers necessary for the execution of the functions of the supreme court and the court of appeals and the court reporting functions of the circuit courts and may designate titles, prescribe duties and fix compensation. Compensation and benefits of employees should be consistent with that paid to state employees in the classified service for services involving similar work and responsibility. Each justice and court of appeals judge may appoint and prescribe the duties of a secretary and a law clerk to assist the justice or judge in the performance of his or her duties. Each circuit judge may appoint a court reporter to serve in the court or branch of court to which he or she was elected or appointed if the reporter is certified as qualified by the director of state courts. A person appointed by the supreme court or a justice or court of appeals judge or a circuit judge serves at the pleasure of the court or the justice or judge.

History: 1977 c. 187; 1981 c. 353.

751.025 Temporary use of court reporters. If the court reporter appointed by the judge is not available or if an additional court reporter is needed, the judge, in cooperation with the chief judge and court administrator for that judicial district, shall attempt to locate and use a court reporter from another branch of court before hiring a private court reporter.

History: 1995 a. 27.

751.03 Assignment of judges. (1) The chief justice of the supreme court may assign any active supreme court justice, court of appeals judge or circuit judge to serve temporarily as a judge of the court of appeals or any circuit court to aid in the proper disposition of business in that court. The chief justice of the supreme court may designate and assign reserve judges under s. 753.075 to serve temporarily in the court of appeals or the circuit court for any county. While acting under a temporary assignment, an active or reserve justice or judge may exercise all the authority of the court to which he or she is assigned.

(2) The chief justice of the supreme court may exercise the authority under sub. (1) in regard to municipal courts for the purpose of:

(a) Assigning a case in which a change of judge is requested under s. 757.19 (5) or is required under s. 800.05 to another municipal judge or, if none is available, transferring the case to circuit court.

(b) Assigning cases in municipal court in which a municipal judge is incompetent, unable or fails to act, to another municipal judge, former municipal judge or former circuit judge. A judge to whom cases are so assigned may serve until the chief justice determines that the incompetency, inability or failure ceases, or until the term of the municipal judge expires or the vacancy is per-

manently filled under s. 8.50 (4) (fm), whichever occurs first. If no judge is available, the chief justice may transfer a case from municipal court to circuit court.

(3) The chief judge of any judicial administrative district may assign any circuit judge within the district to serve in any circuit court within the district.

(4) (a) If a judge before whom a reported proceeding has commenced is unable to proceed, the judge to whom the case is assigned may proceed with it upon certifying familiarity with the record and determining that proceedings in the case may be completed without prejudice to the parties. Otherwise the judge assigned may grant a new trial or rehearing.

(b) If a judge before whom an action or proceeding has been tried is unable to proceed after a verdict is returned or findings of fact and conclusions of law are filed, the judge to whom the case is assigned may proceed with it unless satisfied that the duties cannot be performed without prejudice to the parties, in which event a new trial may be granted.

(5) Any assignment referred to in this section or SCR 70.23 may be requested or ordered by telephone to minimize disruption of court calendars and inconvenience to parties and witnesses.

History: 1971 c. 46; 1977 c. 29, 135; 1977 c. 187 s. 84; 1977 c. 305, 447, 449; Stats. 1977 s. 751.03; 1979 c. 32 s. 92 (17); Sup. Ct. Order, 123 Wis. 2d xxi (1985); 1985 a. 304; Sup. Ct. Order, 141 Wis. 2d xiii (1987); Sup. Ct. Order, 146 Wis. 2d xxxiii (1988).

Judicial Council Note, 1985: Sub. (4), modeled on proposed Rule 63, F.R.C.P., provides a procedure to be followed when the presiding judge dies, becomes disabled, or is otherwise unable to proceed, either during trial or after the verdict or findings and conclusions have been filed. It provides an efficient mechanism for completing these cases without violating due process, preventing unnecessary expense and delay. [Re Order effective July 1, 1985]

Judicial Council Note, 1988: Sub. (5) allows judicial assignments to be requested and made by telephone. [Re Order effective Jan. 1, 1988]

Judicial Council Note, 1988: Sub. (4) (a) is amended to extend its application to reported proceedings in addition to trials. The intent is to allow recourse to this provision for preliminary examinations, hearings in actions under chs. 48, 51, 55, 880, motion hearings and other proceedings. [Re Order effective Jan. 1, 1989]

751.035 Assignment to a judicial panel; appeals.

(1) Upon receiving notice under s. 801.50 (4m), the supreme court shall appoint a panel consisting of 3 circuit court judges to hear the matter. The supreme court shall choose one judge from each of 3 circuits and shall assign one of the circuits as the venue for all hearings and filings in the matter.

(2) Notwithstanding s. 801.58, no party may move for substitution of any circuit court judge assigned under this section.

(3) An appeal from any order or decision issued by the panel assigned pursuant to sub. (1) may be heard by the supreme court and may not be heard by a court of appeals for any district.

History: 2011 a. 39.

751.04 Seal. The supreme court shall have a seal and may direct and from time to time alter the inscription and devices thereon; and the department of administration shall procure such seal as may be ordered. The seal of the court now in use shall be the seal thereof until another is provided hereunder.

History: 1977 c. 187 s. 86; Stats. 1977 s. 751.04.



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Joseph Louis Olson
Direct 414.277.3465
Email jlolson@michaelbest.com

December 2, 2011

VIA MESSENGER

Ms. Kathleen Madden
Clerk of Circuit Court
Waukesha County Courthouse
515 W. Moreland Boulevard
Waukesha, WI 53188-2428

FILED
IN CIRCUIT COURT

DEC 02 2011

WAUKESHA CO. WI
CIVIL DIVISION

11 DEC -2 PM 4:01
CLERK OF CIRCUIT COURT
CIVIL DIVISION

Re: Dennis Clinard, et al. v. Michael Brennan, et al.
Case No. 11CV33995

Dear Ms. Madden:

Enclosed for filing please find the original and eight copies of an Amended Summons and Complaint for Declaratory and Other Relief in the above-entitled matter. Please file the original and return file-stamped copies with the messenger completing this delivery.

The Amended Complaint is limited to a challenge to a determination of the Government Accountability Board concerning the conduct of special or recall elections in legislative districts established by a 2002 court redistricting plan. This issue alone does not implicate a challenge to the apportionment of a state legislative district and, thus, does not trigger the procedures in Wis. Stat. §§ 751.035(1) and 801.50(4m) concerning notice to the Wisconsin Supreme Court and appointment of a three-judge panel.

Sincerely,

MICHAEL BEST & FRIEDRICH LLP

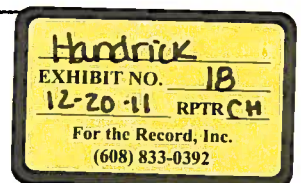
Joseph Louis Olson

JLO:skt

Enclosures

029472-0001\110560993.1

11 DEC -2 PM 4:01
CLERK OF CIRCUIT COURT
CIVIL DIVISION



STATE OF WISCONSIN : CIRCUIT COURT : WAUKESHA COUNTY
BRANCH 9

DENNIS CLINARD, ERIN M. DECKER,
LUONNE A. DUMAK, DAVID A. FOSS,
LaVONNE J. DERKSEN, PAMELA S. TRAVIS,
JOHN E. HAGER, JAMES L. WEINER,
JEFF L. WAKSMAN and KEVIN CRONIN,

Plaintiffs,

v.

Case No. 11-CV-03995
Case Code: 30701

MICHAEL BRENNAN, DAVID DEININGER,
GERALD NICHOL, THOMAS CANE,
THOMAS BARLAND, TIMOTHY VOCKE
each in his official capacity as a member
of the WISCONSIN GOVERNMENT
ACCOUNTABILITY BOARD

and

KEVIN KENNEDY, Director and General
Counsel for the WISCONSIN GOVERNMENT
ACCOUNTABILITY BOARD,

Defendants.

FILED
IN CIRCUIT COURT
DEC 02 2011
WAUKESHA CO. WI
CIVIL DIVISION

11 DEC -2 PM 4: 01
CLERK OF CIRCUIT COURT
CIVIL DIVISION

AMENDED SUMMONS

THE STATE OF WISCONSIN

To each person named above as an Involuntary Plaintiff or Defendant:

You are hereby notified that the above-named Plaintiffs have filed a lawsuit or other legal
action against you. The complaint, which is attached, states the nature and basis of the legal
action.

Within 45 days of receiving this summons, you must respond with a written answer, as
that term is used in chapter 802 of the Wisconsin Statutes, to the complaint. The court may

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reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose address is Waukesha County Clerk of Court, Waukesha County Courthouse, 515 West Moreland Boulevard, Waukesha, WI 53188, and to Eric M. McLeod of Michael Best & Friedrich LLP, plaintiffs' attorneys, whose address is One South Pinckney Street, Suite 700, Post Office Box 1806, Madison, Wisconsin 53701-1806. You may have an attorney help or represent you.

If you do not provide a proper answer within 45 days, the court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law.

Dated this 2nd day of December, 2011.

MICHAEL BEST & FRIEDRICH LLP
Attorneys for Plaintiffs

By: 

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STATE OF WISCONSIN : CIRCUIT COURT : WAUKESHA COUNTY
BRANCH 9

DENNIS CLINARD, ERIN M. DECKER,
LUONNE A. DUMAK, DAVID A. FOSS,
LaVONNE J. DERKSEN, PAMELA S. TRAVIS,
JOHN E. HAGER, JAMES L. WEINER,
JEFF L. WAKSMAN and KEVIN CRONIN,

Plaintiffs,

v.

Case No. 11-CV-03995
Case Code: 30701

MICHAEL BRENNAN, DAVID DEININGER,
GERALD NICHOL, THOMAS CANE,
THOMAS BARLAND, TIMOTHY VOCKE
each in his official capacity as a member
of the WISCONSIN GOVERNMENT
ACCOUNTABILITY BOARD

and

KEVIN KENNEDY, Director and General
Counsel for the WISCONSIN GOVERNMENT
ACCOUNTABILITY BOARD,

Defendants.

FILED
IN CIRCUIT COURT

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CIVIL DIVISION

AMENDED COMPLAINT FOR DECLARATORY AND OTHER RELIEF

INTRODUCTION

Following the enactment of 2011 Wisconsin Acts 43 and 44 by the State Legislature ("2011 Redistricting Plan"), the Government Accountability Board ("GAB"), which is the state agency responsible for administering the laws concerning the conduct of elections in the State of Wisconsin, issued formal guidance that any recall elections which may be initiated and held prior to the general election in November of 2012, are to be conducted in the old legislative districts

established by the 2002 court-adopted redistricting plan (the "2002 Court Plan"). GAB issued this formal guidance despite the fact there is no dispute that the prior legislative districts are unconstitutionally malapportioned.

GAB issued this formal guidance despite also concluding that the legislative districts established by the 2011 Redistricting Plan are effective for purposes of constituent representation. Thus, in the event that any recall elections are conducted between now and November of 2012, many electors who are now represented by a particular State Senator in a new district established by the 2011 Redistricting Plan *will not* be able to vote in a recall election concerning that Senator. Conversely, many electors who are no longer represented by that Senator, because they reside in the Senator's old district but not within the new district, *will* be entitled to vote in a recall election concerning that Senator.

This amounts to a clear violation of the constitutional provision concerning the recall of elective officers set forth in Article XIII, Section 12 of the Wisconsin Constitution. Thus, Plaintiffs seek a declaration from this Court that recall elections may not be conducted in unconstitutionally malapportioned districts and that such elections may only be conducted in the districts established by the 2011 Redistricting Plan, which incumbent legislators now represent.

PARTIES

Plaintiffs

1. Plaintiff Dennis Clinard is a resident of the State of Wisconsin residing at 5852 Cedar Road in the Town of Sparta, County of Monroe, 54656. Clinard is a qualified elector who resides in the 70th Assembly District pursuant to the 2011 Redistricting Plan. Clinard's residence was previously within the 92nd Assembly District pursuant to the 2002 Court Plan. In 2010,

Clinard ran for the office of State Assembly in the old 92nd Assembly District and may again run for the legislature.

2. Plaintiff Erin M. Decker is a resident of the State of Wisconsin residing at 706 N. School Street in the Village of Silver Lake, County of Kenosha, 53170. Decker is a qualified elector whose residence was formerly in the 66th Assembly district, represented by Representative Kerkman, and the 22nd Senate district, represented by Senator Wirch. Pursuant to the 2011 Redistricting Plan, Decker's residence is now in the 61st Assembly district, represented by Representative Kerkman, and the 21st Senate district, represented by Senator Wanggaard.

3. Plaintiff Luonne A. Dumak is a resident of the State of Wisconsin residing at 3601 South 147th Street, Apt. 134 in the City of New Berlin, County of Waukesha, 53151. Dumak is a qualified elector whose residence was formerly in the 84th Assembly district, represented by Representative Kuglitsch, and the 28th Senate district, represented by Senator Lazich. Pursuant to the 2011 Redistricting Plan, Dumak's residence is now in the 15th Assembly district, represented by Representative Staskunas, and the 5th Senate district, represented by Senator Vukmir.

4. Plaintiff David A. Foss is a resident and qualified elector of the State of Wisconsin residing at 1804 22^{5/8} Street in the Town of Rice Lake, County of Barron, 54868.

5. Plaintiff LaVonne J. Derksen is a resident of the State of Wisconsin residing at 2338 Talc Trail, Apt. 209 in the City of Madison, County of Dane, 53719. Derksen is a qualified elector whose residence was formerly located in the 79th Assembly district represented by Representative Pope-Roberts. Pursuant to the 2011 Redistricting Plan, Derksen's residence is now in the 78th Assembly district, represented by Representative Pocan.

6. Plaintiff Pamela S. Travis is a resident and qualified elector of the State of Wisconsin residing at N2607 Cardinal Avenue in the Town of Grant, County of Clark, 54456.

7. Plaintiff John E. Hager is a resident of the State of Wisconsin residing at 127 West Hidden Trail, Unit 101 in the City of Elkhorn, County of Walworth, 53121. Hager is a qualified elector who resides in the 31st Assembly District, which was formerly represented by Representative Nass but is currently represented by Representative Loudenbeck pursuant to the 2011 Redistricting Plan.

8. Plaintiff James L. Weiner is a resident of the State of Wisconsin residing at W5665 Young Road in the Town of LaGrange, County of Walworth, 53156. Weiner is a qualified elector whose residence was formerly in the 31st Assembly district, represented by Representative Nass. Pursuant to the 2011 Redistricting Plan, Weiner's residence is now in the 33rd Assembly district, which is still represented by Representative Nass.

9. Plaintiff Jeff L. Waksman is a resident of the State of Wisconsin residing at 334 North Allen Street, Unit 5 in the City of Madison, County of Dane, 53726.

10. Plaintiff Kevin Cronin is a resident of the State of Wisconsin residing at 1832 Grange Avenue in the City of Racine, County of Racine, 54301. Cronin is a qualified elector whose residence was formerly in the 62nd Assembly district, represented by Representative Mason, and the 21st Senate district, represented by Senator Wanggaard. Pursuant to the 2011 Redistricting Plan, Cronin currently resides in the 66th Assembly district, represented by Representative Turner, and the 22nd Senate district, represented by Senator Wirch.

Defendants

11. Defendant Michael Brennan, resident of the City of Marshfield, Wisconsin; David Deininger, resident of the Town of Monroe, Wisconsin; Gerald Nichol, resident of the City of

Madison, Wisconsin; Thomas Cane, resident of the City of Wausau, Wisconsin; Thomas Barland, resident of the City of Eau Claire, Wisconsin; and Timothy Vocke, resident of the Town of Rhinelander, Wisconsin are all members of the Wisconsin Government Accountability Board and are named in such official capacity. The Wisconsin Government Accountability Board is an independent agency of the State of Wisconsin with authority for the administration of laws concerning the conduct of elections.

12. Defendant Kevin Kennedy is a Wisconsin resident residing in Dane County, Wisconsin and is the Director and General Counsel for the Wisconsin Government Accountability Board.

JURISDICTION AND VENUE

13. Venue in this Court is proper pursuant to Wis. Stat. § 801.50(3)(a), which provides that “all actions in which the sole defendant is the state, any state board or commission, or any state officer, employee, or agency in an official capacity shall be venued in the county designated by the plaintiff unless another venue is specifically authorized by law.”

14. Wisconsin’s Uniform Declaratory Judgments Act, Wis. Stat. § 806.04, states that “[c]ourts of record within their respective jurisdictions shall have the power to declare rights, status, and other legal relations whether or not further relief is or could be claimed.” Wis. Stat. § 806.04(1). The Act further allows a party “whose rights, status or other legal relations are affected by a statute” to petition a court and “have determined any question of construction or validity arising under” the statute. Wis. Stat. § 806.04(2).

FACTUAL BACKGROUND

15. Pursuant to Article IV, Section 3 of the Wisconsin Constitution, the Wisconsin State Legislature is responsible for enacting a constitutionally-valid plan for legislative districts.

16. Article IV, Section 3 of the Wisconsin Constitution requires that the legislature “apportion and district anew” the state assembly and senate districts following each federal census.

17. The Bureau of Census, U.S. Department of Commerce, conducted a decennial census in 2010 pursuant to Article 1, Section 2 of the United States Constitution. Census data from the 2010 Census was released to the State of Wisconsin in March of 2011.

18. Pursuant to Article IV, Section 3 of the Wisconsin Constitution and Article 1, Section 2 of the United States Constitution, the Wisconsin State Legislature drafted and adopted legislation, 2011 Wisconsin Acts 43 and 44, referred to herein as the 2011 Redistricting Plan, establishing new legislative and congressional districts based upon population data gathered through the 2010 Census.

19. The Wisconsin State Senate adopted the 2011 Redistricting Plan on July 19, 2011. The Wisconsin State Assembly adopted the 2011 Redistricting Plan on July 20, 2011.

20. Governor Walker signed the 2011 Redistricting Plan into law on August 9, 2011.

21. The GAB has issued formal guidance regarding the initial applicability of the legislative districts created by Act 43. A copy of the GAB’s formal guidance memorandum is attached to this Complaint as Exhibit A.

22. According to the GAB’s formal guidance memorandum, “[t]he effective date of 2011 Wisconsin Act 43 with respect to representation differs from its effective date for election purposes.” (Exhibit A at 3)

23. GAB has concluded in its formal guidance memorandum that the legislative districts established by the 2011 Redistricting Plan are “effective as of August 24, 2011 for representation purposes.” (*Id.*)

24. However, GAB has also concluded that “the legislative districts created by 2011 Wisconsin Act 43 are not in effect for the purpose of ‘special or recall elections to offices filled or contested’ prior to the General Election on November 6, 2012.” (*Id.* at 2) GAB’s conclusion in this regard is purportedly based on provisions of Act 43 which state that the Act “first applies, with respect to regular elections, to offices filled at the 2012 general elections,” 2011 Wis. Act 43 § 10(1), and that the Act “first applies, with respect to special or recall elections, to offices filled or contested concurrently with the 2012 general election.” 2011 Wis. Act. 43 § 10(2).

25. Thus, GAB has concluded that any special or recall elections to offices filled or contested prior to the November 2012 General Election are to be conducted in the legislative districts established by the 2002 Court Plan. GAB’s conclusion is erroneous because the legislative districts established by the 2002 Court Plan are unconstitutionally malapportioned and, thus, cannot be used to conduct elections consistent with the central constitutional principle of one-person, one-vote

26. As outlined above, the new legislative districts established by the 2011 Redistricting Plan were established pursuant to Article IV, Section 3 of the Wisconsin Constitution using population data compiled by the federal government in the 2010 Federal Census and disseminated to the State of Wisconsin. The 2010 Federal Census data demonstrate that the populations within the legislative districts established by the 2002 Court Plan deviated substantially from equal population and were therefore unconstitutionally malapportioned.

27. As shown by the 2010 Federal Census data, the population deviation among Senate districts under the 2002 Court Plan ranged from a high of 25,535 (14.82%) above zero deviation or an ideal population of 172,332 and a low of 19,574 (11.36%) below zero deviation. The population deviation among Assembly districts under the 2002 Court Plan ranged from a

high of 18,720 (32.59%) above zero deviation or an ideal population of 57,444, and a low of 9,057 (15.77%) below zero deviation.

28. According to GAB's guidance memorandum, current legislators now represent constituents who reside in the new legislative districts established by the 2011 Redistricting Plan. Yet, despite the fact that current legislators represent persons who reside in the new legislative districts, GAB's guidance concludes that legislators may be recalled by a different set of constituents, namely those residing within the old districts established by the 2002 Court Plan.

29. GAB's guidance, which provides that any special or recall elections must be conducted in the old districts, while the new districts are effective for purposes of constituent representation, results in the potential disenfranchisement of nearly one million Wisconsin citizens for purpose of recall elections. Among the 24 Senate districts in which recall elections could be held in 2012, there are 923,362 citizens, including Plaintiff Decker, who, according to GAB's guidance, could not vote in a recall election concerning the Senator who now represents them.

30. On November 15, 2011, the Committee to Recall Wanggaard filed a registration statement with GAB and appended to it a statement of intent to circulate a petition to recall Senator Wanggaard executed by the Committee's treasurer, Randolph Brandt. If the Committee to Recall Wanggaard is successful in forcing a recall election in the 21st Senate District, Plaintiff Decker could not vote in the election, despite the fact that Senator Wanggaard currently represents her.

31. Article XIII, Section 12(7) of the Wisconsin Constitution specifically provides that "no law shall be enacted to hamper, restrict, or impair the right of recall." Article XIII, Section 12(1) provides that a "recall petition shall be signed by electors ... in the ... district

which the incumbent represents.” GAB’s guidance providing that old legislative districts apply to recall elections is in direct conflict with this constitutional mandate and serves to impair the right of recall of more than 900,000 citizens, including Decker.

CLAIM FOR RELIEF

(Declaratory Relief Pursuant To Wis. Stat. § 806.04 That Special Or Recall Elections May Not Be Conducted In Districts Established By The 2002 Court Plan)

32. There is no dispute that based on the 2010 Census data the legislative districts established under the 2002 Court Plan are unconstitutionally malapportioned and violate the central principle of one-person, one-vote.

33. GAB has nevertheless concluded that any special or recall elections held prior to November of 2012 will be conducted in the old legislative districts.

34. GAB has recently received statements of intent to circulate recall petitions in Senate Districts 13, 21, 23 and 29. Upon information and belief, petition circulators are circulating or intend to circulate recall petitions within the old Senate Districts under the 2002 Court Plan, pursuant to the GAB guidance.

35. GAB has legal authority to evaluate and determine the sufficiency of recall petition and, where such petitions are deemed sufficient, to direct that recall elections be held in a given legislative district. If not enjoined, GAB will unlawfully direct that recall elections be conducted in the Senate Districts under the 2002 Court Plan in the event the petitions in those districts are deemed sufficient.

36. Plaintiffs’ interests will be impacted if recall elections are conducted in unconstitutional districts and are entitled to a declaration that recall elections may not be conducted in such districts.

CONCLUSION

37. Plaintiffs respectfully request that an order be issued declaring that the legislative districts established by the 2002 Court Plan may not be used to conduct any special or recall elections.

38. Plaintiffs respectfully request that an order be issued enjoining the Government Accountability Board from taking any action related to the conduct of any recall election in the unconstitutionally malapportioned legislative districts established by the 2002 Court Plan.

Dated this 2nd day of December, 2011.

MICHAEL BEST & FRIEDRICH LLP
Attorneys for Plaintiffs

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JUDGE THOMAS H. BARLAND
Chair

KEVIN J. KENNEDY
Director and General Counsel

DATE: October 19, 2011

TO: Robert Marchant, Senate Chief Clerk
Patrick Fuller, Assembly Chief Clerk

FROM: Kevin J. Kennedy, Director and General Counsel
Government Accountability Board

SUBJECT: Legislative Redistricting: Effective Date and Use of State Funds

On September 6, 2011, Jonathan Becker, Nathaniel Robinson and I from the Government Accountability Board ("G.A.B.") met with you and staff of the Legislative Council to discuss the impact of redistricting on incumbent legislators. Prior to this meeting, you and Legislative Council staff received a number of inquiries about the impact of 2011 Wisconsin Act 43 with respect to the ability of incumbent legislators to communicate with constituents and to run for and hold legislative office. Because these were not new issues, we agreed to review past decisions of the former Elections and Ethics Boards and guidance from the Department of Justice.

On October 10, 2011, I received copies of past guidance from the Department of Justice. G.A.B. staff forwarded this information to Legislative Council staff and you. We had a brief meeting on October 12, 2011, in which you asked whether a 1982 Attorney General Opinion, OAG 48-82, 71 Wis. Op. Atty. Gen. 157 (Wis. A.G. 1982), resolved the issues on the use of state funds by incumbent legislators to communicate with constituents and travel in legislative districts created by 2011 Wisconsin Act 43, as well as the conduct of special or recall elections. At the time of that meeting, I believed it did, but I noted that the G.A.B. staff had not fully analyzed the material.

After reviewing all of the material, the G.A.B. staff believes that the 1982 Attorney General Opinion to Senator Risser (71 Wis. Op. Atty. Gen. 157 (Wis. A.G. 1982)) is not directly on point with the current issue. That opinion was based on a federal court finding that existing legislative districts were unconstitutional. As a consequence of that finding, the federal district court specifically ordered that the then-existing legislative districts could not be used for purposes of nomination and election after June 17, 1982, at which time and by the same court order new legislative district lines became effective. In the present situation, unlike 1982, there has been no judicial determination that the existing legislative districts are unconstitutional, and the Legislature has specifically addressed the initial applicability of 2011 Wisconsin Act 43 for various purposes.

Although the 1982 Attorney General Opinion is not directly on point, some of its language, as well as subsequent opinions including a 1983 Attorney General Opinion (OAG 47-83, 72 Wis. Op. Atty. Gen. 172 (Wis. A.G. 1983)), and the language of 2011 Wisconsin Act 43 itself all provide helpful analysis and application to the current situation, as affected by 2011 Wisconsin Act 43.

At the October 12, 2011 meeting, I promised to provide the G.A.B. staff position as quickly as possible. Below are the G.A.B. staff opinions and analyses regarding the initial applicability of

EXHIBIT
A

Mr. Robert Marchant
Mr. Patrick Fuller
October 19, 2011
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2011 Wisconsin Act 43 with respect to 1) elections, and 2) communication and representation of constituents.

1. **Initial Applicability Date with Respect to Elections: November 6, 2012**

a. **Opinion**

It is the G.A.B. staff's position that the legislative districts created by 2011 Wisconsin Act 43 are not in effect for the purpose of "special or recall elections to offices filled or contested" prior to the General Election on November 6, 2012.

b. **Analysis**

The Legislature enacted legislation reapportioning the legislative districts and members, 2011 Wisconsin Act 43, as required by the state constitution. Wis. Const. art. IV, § 3. The legislation was signed by the Governor and published on August 23, 2011. Unless specified in the legislation, every act is effective on the day following publication. WIS. STAT. § 991.11. However, 2011 Wisconsin Act 43 specifically provided for the initial applicability of the act for certain purposes. The Act "first applies, with respect to regular elections, to offices filled at the 2012 general election." 2011 Wis. Act 43, § 10 (1). In addition, the Act "first applies, with respect to special or recall elections, to offices filled or contested concurrently with the 2012 general election." 2011 Wis. Act § 10 (2).

"First applies" historically means that an act is in effect for the first time on a certain date or occurrence and remains in effect after that date or occurrence. *Detwiler v. Wisconsin Dept. of Revenue*, 2007 WI App 125, ¶6 n.3, 301 Wis. 2d 512, 517, 731 N.W.2d 663, 666 (Wis. Ct. App. 2007).

Wisconsin Stats. s. 5.02 (5) defines "general election" as the election held in even-numbered years on the Tuesday after the first Monday in November conducted to elect, among other offices, state senators and representatives to the assembly. WIS. STAT. §5.02 (2011). The next general election will occur on November 6, 2012.

By the specific terms of 2011 Wisconsin Act 43, any recall election or special election to fill a vacancy conducted before November 6, 2012 shall be conducted in the legislative districts in effect prior to the enactment of 2011 Wisconsin Act 43. For example, the special election to fill the vacancy in the 95th Assembly District was ordered by the Governor on September 2, 2011 to be conducted under the district lines in effect before the passage of 2011 Wisconsin Act 43. 2011 Executive Order 41.

This differs significantly from the situation presented in 1982 when the Attorney General Opinion (71 Wis. Op. Att. Gen. 157) was issued. As noted above, in 1982, a federal court had found that existing legislative districts were unconstitutional and ordered all subsequent elections to be conducted under a reapportionment plan set out in the court order and beginning on the specific date of June 17, 1982. *The Wisconsin State AFL-CIO et al. v. Elections Board et al.*, No. 82-C-0112 (E.D. Wis. 1982). In the 1982 Attorney General Opinion to Senator Risser (71 Wis. Op. Att. Gen. 157), the Attorney General interpreted and applied this specific court order and opined that the former districts were not in effect for the conduct of elections or the use of public funds by incumbent legislators after June 17, 1982. The Attorney General's opinion was released on August 19, 1982,

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Page 3

and therefore the language in the opinion assumes that the new court-ordered legislative districts were already in place and effective.

The meaning and effect of the initial applicability provisions of 2011 Wisconsin Act 43 are better understood in the context of the October 4, 1983 Attorney General Opinion to Representative Lofhus (72 Wis. Op. Atty. Gen. 172). Here, the Attorney General offered an opinion on the effective dates of the redistricting described in 1983 Wisconsin Act 29, the Act adopted to replace the federal district court's redistricting plan that had been effective since June 17, 1982.¹ This Attorney General's opinion concluded that the effective date of the Act is also the effective date for new legislative districts unless the legislature specifically provided other exceptions to the initial applicability of the Act for certain purposes. The Attorney General opinion concluded that, by reason of Wisconsin Stats. s. 991.11, the publication date of the Act, July 20, 1983, was also the effective date of the Act except for specific statutory exceptions. The only exception in the Act was related to specific language setting the initial applicability of sections 8.15(9) and 8.20(10) of the statutes, which related to the Election Board's duty to provide new district maps to candidates.

The language of 2011 Wisconsin Act 43 is very clear as to the initial applicability exceptions from the Wisconsin Stats. s. 991.11 effective date of the Act (August 24, 2011). The Act initially applies for the purposes of regular elections to offices filled at the 2012 general election and to special or recall elections to offices filed or contested concurrently with the 2012 general election. Therefore, for purposes of any elections in 2012, the new legislative districts found in Act 43 do not apply to special or recall elections to offices filled or contested prior to the November 6, 2012 general election.

2. Initial Applicability Date with Respect to Communication and Representation of Constituents: August 24, 2011

a. Opinion

It is the G.A.B. staff's position that beginning on August 24, 2011, neither this legislation nor any provisions of the Code of Ethics for Public Officials and Employees, Wisconsin Stats. Ch 19, Subchapter III, restricts the use of public funds by incumbent legislators to send mail or travel within the boundaries set forth in 2011 Wisconsin Act 43 for the purpose of conducting legislative business.

b. Analysis

- i. 2011 Wisconsin Act 43 is effective as of August 24, 2011 for representation purposes.

The effective date of 2011 Wisconsin Act 43 with respect to representation differs from its effective date for election purposes. The 1982 Attorney General Opinion to Senator Risser (71 Wis. Op. Atty. Gen. 157) specifically provides that with respect to the former legislative districts, the "vitality

¹ The 1982 redistricting plan was found unconstitutional in 1992, following the 1990 census. See *Prosser et al. v. Elections Board, et al.*, 793 F. Supp. 859, 865 (W.D. Wis. 1992). In 1992, a three-judge panel created a redistricting plan that was effective for all elections held after June 2, 1992. *Prosser v. Elections Board*, 793 F. Supp. at 871. The 1992 redistricting plan was held unconstitutional in 2002, following the 2000 census. See *Baumgart et al. v. Wendelberger*, Case No. 01-C-0121; see *Jenson et al. v. Wendelberger*, Case No. 02-C-0366. The federal district court created a redistricting plan that was effective for all elections held after May 30, 2002. *Id.* However, 1983 Wisconsin Act 22, first held unconstitutional in the context of the 1990 census, was not challenged as unconstitutional between its effective date of July 29, 1983 and the 1990 census. *Prosser v. Elections Board*, 793 F. Supp. at 871

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depends upon the purpose being inquired into." OAG 48-82, 71 Wis. Op. Att. Gen. 157 (Wis. A.G. 1982). The 1983 Attorney General Opinion to Representative Loftus (72 Wis. Op. Atty. Gen. 172) emphasized that even though the Elections Board did not need to provide new district maps to candidates until the 1984 primary and general elections, this did not mean that the "the new districts [we]re not effective before 1984." 72 Wis. Op. Atty. Gen. 172. Thus, even though the new districts do not take effect for election purposes until November 6, 2012, this does not mean that 2011 Wisconsin Act 43 is not effective for other purposes before that date.

It appears that it is constitutionally permissible, per the 1983 Attorney General Opinion, for the Legislature to enact redistricting legislation that will "apportion and district anew the members of the senate and assembly," Wis. Const. art IV, Section 3, upon publication of an act, while at the same time the act provides exceptions for initial applicability of the act for specific purposes. In 2011 Wisconsin Act 43, it seems the Legislature intended to effectuate the Act on the Wis. Stats. s. 991.11 date (August 24, 2011) for purposes of representation.

ii. 2011 Wisconsin Act 43 does not affect the current status of elected officials.

Even though the new districts took effect on August 24, 2011, this does not affect the current status of elected senators and representatives. The 1982 Attorney General Opinion to Senator Risser (71 Wis. Op. Att. Gen. 157) and the 1983 Attorney General Opinion to Representative Loftus (72 Wis. Op. Atty. Gen. 172) also provide applicable guidance on the treatment of the residence of incumbent legislators with respect to retaining their current office and running for election under the new district plan. The former Elections Board applied these opinions in response to inquiries with respect to the 2002 redistricting. Correspondence to Representative David Travis, April 25, 2002. In the response to Representative Travis, the Elections Board noted that for purposes of representation (and absent contrary language in the act or statute), redistricting takes effect with the adoption of the new plan. Representation is based on a previous election and holding office, not on a future reelection. Seeking reelection is not relevant to representation and is only relevant to campaigning for the office to which a candidate seeks election.

iii. 2011 Wisconsin Act 43 does not change how current elected officials may use state funds.

The new legislation does not affect the laws governing how currently sitting elected officials who seek reelection or election to another office may use state funds. The guidance from the Attorney General in 1983 discussed the use of state funds by incumbent legislators with respect to the former and new districts under the judicial and legislative plans. 72 Wis. Op. Atty. Gen. 172. The opinion noted that the restrictions of Wis. Stats. s. 11.33, limiting the use of public funds after the first day for circulating nomination papers, are still applicable. It also provided that a legislator may not use funds for a purely private, non-public, purpose. However, a legislator may expend funds which have been appropriated for the legislator's use for mailings and travel within or outside the legislator's district if connected with the legislator's representation of his or her constituents subject to legislative rules and applicable statutes. 72 Wis. Op. Atty. Gen. 172.

The G.A.B. and the former Ethics Board have consistently found that great deference should be given to the Legislature's determination of public purpose consistent with other statutes such as the restriction on the distribution of 50 or more substantially similar items or communications after the first date for circulating nomination papers, see Wis. Stats. s. 11.33, the use of public office to obtain a private benefit, see Wis. Stats. s. 19.45 (2), or the use of public office to obtain an unlawful benefit

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October 19, 2011
Page 5

or advantage, see Wis. Stats. s. 19.45 (5). In light of the discussion in the 1983 Attorney General opinion, the use of public funds to communicate or travel in districts related to the legislator's initial election or subsequent re-assignment by 2011 Wisconsin Act 43 does not appear to be actively designed to obtain a private benefit or unlawful benefit or advantage as restricted under the Code of Ethics for Public Officials.

The Legislature appears to have developed fiscal and policy restraints on the use of public funds by legislators with respect to constituent communication and travel. The proposed policy that permits the use of public funds within those constraints to communicate and travel within the district from which a legislator was elected and the related district under 2011 Wisconsin Act 43 does not contravene provisions in Wis. Stats. s. 19.45. Such communications are, however, also subject to the limitation in Wis. Stats. s. 11.33.

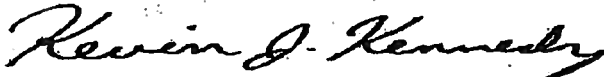
This does not mean that a legislator may use public funds for communications or travel to obtain a private benefit or unlawful benefit or advantage, including for campaign purposes. The G.A.B. would investigate a complainant that set forth facts alleging such activity.

3. Conclusion

This is an opinion of the G.A.B. staff. It is not an opinion issued pursuant to Wis. Stats. s. 5.05 (6a). As we discussed in our initial meeting, the staff plans to present its conclusions to the Board in the form of recommended guidance to share with legislators and the public.

Sincerely,

GOVERNMENT ACCOUNTABILITY BOARD



Kevin J. Kennedy
Director and General Counsel

In The Matter Of:
Joint Public Hearing on Wisconsin Redistricting Plan

Transcript of Proceedings
July 13, 2011

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JOINT PUBLIC HEARING ON REDISTRICTING

=====

TRANSCRIPT OF PROCEEDINGS

Madison, Wisconsin
July 13, 2011

Reported by: Lynn Schultz, RPR

Transcript of Proceedings - July 13, 2011

1 CHAIRMAN ZIPPERER: Good morning.
2 We want to call the Senate Committee on Judiciary
3 Utilities, Commerce and Government Operations to
4 order. Clerk will call the senate roll.

5 CLERK: Senator Zipperer?

6 SENATOR ZIPPERER: Here.

7 CLERK: Senator Kedzie?

8 SENATOR KEDZIE: Here.

9 CLERK: Senator Galloway?

10 SENATOR GALLOWAY: Here.

11 CLERK: Senator Risser?

12 SENATOR RISSER: Here.

13 CLERK: Senator Erpenbach?

14 SENATOR ERPENBACH: Here.

15 CHAIRMAN VAN ROY: Good morning.

16 We are calling the Homeland Security and State
17 Affairs on the Assembly. would my clerk call the
18 roll.

19 CLERK: Representative Van Roy?

20 REPRESENTATIVE VAN ROY: Here.

21 CLERK: Representative Kuglitch?

22 REPRESENTATIVE KUGLITCH: Here.

23 CLERK: Representative Ballweg?

24 REPRESENTATIVE BALLWEG: Here.

25 CLERK: Representative August?

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1 REPRESENTATIVE AUGUST: Here.
2 CLERK: Representative Kooyenga?
3 REPRESENTATIVE KOOYENGA: Here.
4 CLERK: Representative Danou?
5 REPRESENTATIVE DANOU: Here.
6 CLERK: Representative Zamarripa?
7 REPRESENTATIVE ZAMARRIPA: Here.
8 CLERK: And Representative Bewley?
9 REPRESENTATIVE BEWLEY: Here.
10 CHAIRMAN ZIPPERER: Quorum being
11 present, the committees can continue. The purpose
12 today is consideration of three bills, SB 148,
13 SB 149 and SB 150, all three related to
14 redistricting. We're going to take testimony on
15 all three at once, so those speaking can feel free
16 to speak on each bill or any bill in particular.
17 Anybody wishing to testify, their slip should
18 be available at the door, and those that wish not
19 to speak can also submit written testimony to
20 either of our offices or the page staff. First up
21 is Tad Ottman from Senator Fitzgerald's office and
22 Adam Holtz from Representative Fitzgerald's
23 office. Welcome, gentlemen.
24 MR. OTTMAN: Thank you. My name is
25 Tad Ottman. I began working for the state

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1 legislature in 1984, which incidentally was the
2 session after the last time the wisconsin
3 legislature passed a redistricting plan. I
4 currently work for Senator Scott Fitzgerald. I am
5 involved in working on reapportionment after both
6 the 1990 and the 2000 census.

7 Last fall Senator Fitzgerald asked me to work
8 on reapportionment legislation that is necessary
9 as a result of the 2000 census. There are three
10 core principles to any reapportionment plan:
11 equal population, sensitivity to minority
12 concerns, and compact and contiguous districts.
13 The plans we will present to you today were drawn
14 in accordance with those principles.

15 I'm going to begin by describing for you the
16 population trends in the existing senate district.
17 Adam Holtz will follow with the discussion of the
18 population trends in the existing state assembly
19 district. So first I'm going to put up a map of
20 those population trends. As you can see, the
21 population growth, what this map reflects is how
22 different districts, senate districts, in the
23 state grew in comparison to the rest of the state.
24 Some districts grew much faster than statewide
25 average, and some districts lagged the statewide

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1 average by a considerable amount.

2 Some of the -- kind of the most glaring
3 growth and areas are in western Wisconsin in the
4 10th Senate District where population is over
5 ideal population by about 20,000 persons. On the
6 other end of the extreme, you have the 6th Senate
7 District in Milwaukee, which is under ideal
8 population by almost 20,000 people. Dane County
9 and the surrounding area has seen tremendous
10 growth. The 27th Senate District is 25,000 over
11 ideal population, and the 16th Senate District is
12 16,000 over ideal population.

13 In northern Wisconsin, you will notice both
14 the 25th and the 12th Senate Districts are under
15 the ideal population by almost 10,000 and just
16 over 15,000 respectively. Then you'll also notice
17 there's some modest growth in the Milwaukee
18 suburbs that's countered by some dramatic loss of
19 population within the city itself. And up in the
20 Fox Valley you'll see areas of growth as well.
21 This will play into how the districts were drawn
22 to accommodate that to comply with the equal
23 population requirements.

24 I'm going to turn it over to Adam Holtz, who
25 will walk through a little bit of the assembly

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1 population trends.

2 MR. HOLTZ: Thank you. As Tad
3 mentioned, my name is Adam Holtz. I work for
4 Speaker Fitzgerald. Last year Speaker Fitzgerald
5 asked me to take on this legislation and work with
6 Tad. Not to repeat everything he said on the job
7 description, but it is effectively the same,
8 complying with the three main tenets of
9 traditional redistricting principles in drafting
10 this legislation.

11 what the assembly over- and under-population
12 map will show you is largely similar to what you
13 see with the senate over- and under-population
14 map. The map to my left will show the over- and
15 under-population of the assembly districts at a
16 little bit more detailed level than what you see
17 at the senate. So where a senate district over
18 the three assembly districts you may see
19 population of over or underflow, mitigate out or
20 exaggerate, what this allows you to do is see at a
21 little bit more zoomed level. For example, in the
22 10th Senate District you can see that a majority
23 of the overpopulation is coming from within
24 Assembly Districts 29 and 30 with 28 counting for
25 only about 2,000 for that overpopulation. So

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1 you're able to see it at a little bit more
2 detailed level where the over and the
3 under-population is coming from.

4 On the assembly side, we also saw some
5 similar trends with the under-population of the
6 Milwaukee assembly districts. The outlier on the
7 under-population is Representative Grisby's
8 current district that is over 9,000 people
9 under-populated, and on the other end of the
10 spectrum you see that Representative Sandy Pope
11 Roberts' district is currently 18,700 over ideal
12 population. So what we see in the redistricting
13 legislation is an attempt to account for these
14 massive shifts in population across the state.

15 MR. OTTMAN: Next I'm going to move
16 into the maps as proposed under SB 148, and let us
17 put those maps up for you to take a look at. What
18 I will do now is I'll kind of walk briefly through
19 some of the changes you'll see on the senate map;
20 and if you'll notice, the districts in northern
21 Wisconsin geographically are considerably larger.
22 That's a direct result of the previous map that we
23 showed you in terms of the population trends in
24 that part of the state. Simply to comply with the
25 equal population requirements in the other

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1 redistricting criteria, those districts by
2 necessity had to get much larger geographically.

3 In northern Wisconsin in particular, the
4 difference is more stark because there are not a
5 lot of highly densely populated areas in there.
6 So in order to meet population, you have to grab a
7 lot of geography up in that part of the state.
8 Over in the western part of the state, in the 10th
9 Senate District, you'll notice that that district,
10 because of its overpopulation, has shrunk by quite
11 a bit in order to meet the necessary population.

12 In the southeastern Wisconsin there are some
13 dramatic changes. If you look, you can see in the
14 inset there, and we'll have larger maps of
15 Milwaukee County for you in a little bit; but if
16 you look at the inset there, you can see that the
17 Milwaukee districts, in order to gain the
18 population that is required, had to get
19 geographically larger. And as a result, that
20 pushed some of the districts to the north side and
21 to the west side further north and further west.

22 When we get into the detailed map of
23 Milwaukee, what you'll be able to see is that the
24 north side of the county lost kind of dramatically
25 in population. The south side of the county fared

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1 a little better and grew closer to the statewide
2 average, so that was the reason that
3 reapportionment in that area kind of pushes you
4 north and west is to accommodate those population
5 changes. The other area of dramatic growth, of
6 course, was Dane County, and so the map looks
7 considerably different in Dane County. Between
8 the 27th, the 16th and the 26th Senate Districts
9 there was a net of approximately 40,000
10 overpopulation, so those people had to go
11 somewhere. The districts around Madison as a
12 consequence shrunk geographically.

13 The other thing is you look at any -- any
14 map, and when reapportioning with the three
15 redistricting principles I talked about earlier,
16 there are competing principles. To satisfy one
17 may mean you may not satisfy another as well, and
18 that requires you to make choices as you
19 reapportion the state. And we'll walk through
20 some of the examples of some of those choices that
21 were made in different areas kind of how the
22 principles apply and what the -- what the result
23 is.

24 Central Wisconsin kind of sees some of the
25 ripple effect of complying with those population

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1 trends in other parts of the state. If you look
2 at those Dane County districts, because of that
3 massive amount of population, kind of had to move
4 elsewhere. That kind of shifts the borders of the
5 district adjacent to it and then their borders get
6 shifted, and anywhere you start in a
7 reapportionment plan creates those sort of ripple
8 effects. And a small population change in one
9 area of the state can ripple all the way through
10 to the other corner of the state as you put
11 together these plans.

12 And in a little bit we'll talk more about
13 Milwaukee, which saw some drastic population
14 changes and required some reconfiguration, but
15 I'll turn it back over to Adam now to describe the
16 assembly plan.

17 MR. HOLTZ: Again, to echo a lot of
18 Tad's sentiments, the northern part of the state
19 you saw drastic growth in the geographic territory
20 that are taken up by the assembly districts. Just
21 drawing your attention to Senate District 12
22 containing Assembly Districts 34, 5 and 6.
23 Representative Mursau's current district, the 36th
24 Assembly District, was underpopulated by over
25 6,000 people; and as Tad mentioned, the population

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1 density up there is very low.

2 So in order to find 6,000 people, you
3 definitely have to start looking for more
4 population, and what you see with 34, 35 and 36 is
5 that there was growth coming from the Fox Valley
6 area. You saw growth in Representative Al Ott's
7 district. You saw growth in Representative
8 Michelle Litjens' district to a pretty high
9 degree, and then also some of the other Fox
10 valley, Green Bay seats saw growth as well.

11 So what you're seeing is that those districts
12 too expanded and pulled in a clockwise fashion
13 down towards the value to get more population to
14 equalize out and achieve one-person/one-vote
15 goals. On the western side of the state Tad
16 mentioned Senate District 10 being overpopulated.
17 Again, Assembly Districts 28, 29 and 30, what you
18 see there is westward pulling of the districts in
19 that area, and you also see that Assembly District
20 30 shrunk considerably in geographic area
21 considering that it was overpopulated to the tune
22 of 9,000 people.

23 Same applies to Assembly District 29, also
24 overpopulated somewhere around 9,000 people. It
25 shrunk to shed its overpopulation, and 28 was the

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1 Least growing of the three, only 2,000
2 overpopulated, shrunk a little bit from the north,
3 as Representative Milroy's district is currently
4 underpopulated as is the rest of the northern tier
5 of the state. Working through the other parts of
6 the state, we saw -- we saw some areas of tempered
7 growth or noncompaction. We saw western
8 Wisconsin, southwestern Wisconsin had some
9 under-population; had some that actually were
10 pretty close to ideal population; but, again,
11 those districts will always change as a result of
12 the ripple effects working around the state.

13 Dane County, explosive growth. A lot of new
14 folks moving into that area; and, again, you saw
15 the geographic area of those districts shrink
16 considerably. Milwaukee County, as Tad said, was
17 not shrinking in an absolute sense. It gained
18 population, but it did not gain to the statewide
19 average. Milwaukee County grew by .8 percent,
20 whereas the statewide growth rate was 6.02 over
21 the decade. That's pretty much all I've got.

22 MR. OTTMAN: Just to walk through a
23 few of the numbers for you on these districts that
24 you see. In SB 148, the overall range in
25 deviation from -- which is the difference between

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1 the most overpopulated district and the most
2 underpopulated district, that range is .76 percent
3 on the assembly maps and .62 percent on the senate
4 maps. That compares to the court-drawn plan in
5 the existing districts at the time of passage to a
6 little over one and a half percent was the overall
7 range in deviation, so on that criteria these maps
8 considerably improve on the court-drawn plan from
9 ten years ago.

10 One of the other criteria that kind of goes
11 hand in hand with that is the tighter your
12 deviation, the closer to the absolute number of an
13 ideal assembly district or an ideal senate
14 district that you get necessitates some other
15 choices in other places, and that involves
16 splitting communities.

17 In order to get the population to a more
18 ideal size, you have to split communities. On the
19 assembly map ten years ago the court split 50
20 communities. On this plan there are 62
21 communities split on the assembly plan, and that's
22 an example of the kind of tradeoff that you see
23 when you make choices between those principles of
24 reapportionment. You can't always satisfy every
25 principle in reapportionment. You have to make

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1 choices in different areas of the state about how
2 you apply those principles and how you balance
3 them against one another.

4 MR. HOLTZ: Just to add to what Tad
5 was saying about population deviation, the courts
6 tend to focus on the overall range of the plan,
7 which Tad mentioned at .76. Just a another
8 statistic I wanted to throw out there. The
9 overall range is defined by the outliers, the most
10 overpopulated and the most under-populated in a
11 plan.

12 But another statistic I want to point out in
13 reapportionment is the mean deviation. It's the
14 statistic that's not defined by the outliers. It
15 is the average of how much a district varies from
16 ideal population over or under. Ten years ago the
17 court plan had a mean deviation of 260 people on
18 the senate plan and 170 on the assembly plan.
19 Now, in SB 148, what you see is that our mean
20 deviation is 93 on the assembly side and 149 on
21 the senate side, so in that statistic it's not
22 defined by the outliers. It gives you a little
23 bit more of an idea where the districts fall on
24 average. We are also closer to ideal population
25 than the court plan. And just to point out, too,

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1 the ideal population for the assembly districts is
2 57,000 -- excuse me -- 444 and for the senate plan
3 it's 172,333, so just to give you some context on
4 that.

5 MR. OTTMAN: And I would also add
6 all those statistics are printed as an addendum to
7 the bill by LRB; so if you look at the bill on the
8 addendum, you can look district by district to see
9 how close to ideal population, what the deviation
10 from ideal population that district has. As a
11 result of those choices and reapportioning to get
12 close to ideal population and keep together
13 communities of interest, I want to walk through
14 just a few examples of some of the choices that
15 were made in SB 148 in terms of different
16 communities.

17 If you'll see on the senate map in the
18 southeast corner of the state, this plan connects
19 Kenosha and Racine, the cities of Kenosha and
20 Racine, in one senate district, so it unites two
21 large urban areas that share a lakeshore into one
22 assembly district and then takes the rural parts
23 of both of those counties and puts them into a
24 separate senate district. So that is one
25 significant change that is kind of obvious when

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1 you compare SB 148 to the current districts.

2 Another example I wanted to walk through was
3 in the City of Madison. Under the current plan
4 and partly through annexations and the growth in
5 the communities surrounding Madison, Madison was
6 split between a number of assembly districts and
7 it's split between three senate districts. Under
8 this plan, the City of Madison is entirely
9 contained within -- has four complete assembly
10 districts that make up the City of Madison.

11 There are two communities within the City of
12 Madison that are kind of surrounded by Madison in
13 Shorewood Hills and Maple Bluff, so those
14 communities also make up part of those districts.
15 So it's four complete assembly districts, and that
16 leaves about 5,000 population of the City of
17 Madison goes into a 5th Assembly District, and it
18 also combines those districts into two senate
19 districts rather than the current three senate
20 districts, and both of those senate districts vote
21 in the same election cycle. So everybody in the
22 City of Madison will be voting for a senator in
23 the same election cycle.

24 As a result, the 16th Assembly District --
25 I'm sorry, senate district gets much more compact

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1 than under the current configuration, and the 27th
2 Senate District, which formerly had parts of the
3 City of Madison, then picks up some of the
4 remaining suburbs around Madison and then grabs
5 some of the rural area in Dane County and expands
6 to the north.

7 Another example I just want to touch on is
8 the City of Oconomowoc, which is split in the
9 current assembly plan. Under this plan that is
10 put back together in one senate district. I also
11 want to point out and kind of walk you through how
12 some of these competing principles work about
13 keeping cities in one district or splitting
14 cities.

15 In the 9th Senate District the City of
16 Sheboygan is entirely within the 9th Senate
17 District but split between two assembly districts.
18 The choice there, both of them meet the equal
19 population criteria; but when you have a
20 relatively large urban area surrounded by a lot of
21 rural area there, by splitting a city in that
22 instance, it allows you to keep both of those
23 assembly districts more compact than if you have
24 one small urban district and then a larger rural
25 district around it.

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1 So you can make different choices that are
2 equally valid in different parts of the state, but
3 that's an example of kind of how those principles
4 work together as you put together a
5 reapportionment plan.

6 MR. HOLTZ: And just to add on what
7 Tad was saying, you'll also see in SB 148 that
8 cities such as Eau Claire and Green Bay that were
9 previously split essentially along the river that
10 divides those communities have now been reunified,
11 so the cores of those cities and their common
12 economic and social interests are reunified in
13 what you see before you in SB 148.

14 And just one other quick thing I'll
15 add that's another example of how these completing
16 interests have to be balanced. There are a number
17 of cities in Wisconsin -- Eau Claire is one
18 example. River Falls is another example -- where
19 the city straddles a county line, and that leaves
20 you with a choice of you can put the city in one
21 assembly district and split the county or you can
22 split the city along the county lines and try and
23 maintain those borders.

24 But they're mutually exclusive alternatives,
25 and that's simply an example of either choice is

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1 legally valid. It's a matter of making a choice
2 on the map.

3 MR. OTTMAN: Next, we will put up
4 for you some of the Milwaukee maps and walk
5 through a little bit of what's going on in
6 Milwaukee. As you see here, these are the current
7 senate seats in Milwaukee; and as I pointed out
8 earlier, all of those seats, especially on the
9 north side, need to gain significant amounts of
10 population to meet the equal population criteria.

11 And what I'll put up next is going to be a
12 heat map that shows you growth in some of the
13 minority communities in Milwaukee, and we'll begin
14 talking about how that growth impacts the
15 reapportionment of Milwaukee. The map to my right
16 is a heat map of the African-American voting-age
17 population in Milwaukee, and you'll see that the
18 green areas are areas of little to no growth in
19 African-American voting-age population, and that
20 graduates up to the dark areas are the areas of
21 highest growth in the African-American population.

22 And that's a function of two things. It's a
23 pure numerical growth in the population, and it's
24 also a concentration of African-American voters 18
25 age and older in those districts. So as you have

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1 other races moving out and African-Americans
2 staying in those communities as well as the growth
3 in population of African-Americans, those will
4 both work to increase the concentration that you
5 see there on the map.

6 And this is one of those areas that we talked
7 about through the redistricting principle of
8 sensitivity to minority concerns and how as you
9 draw those districts, you must take that into
10 account.

11 MR. HOLTZ: And then to my left is
12 the same map but for the Hispanic voting-age
13 population in Milwaukee, noticing that the area of
14 concentration in the darkest red there falls south
15 of Menominee River in the National Avenue area.

16 And just to give you an idea on the raw
17 number and percentage growth over the decade, the
18 Hispanic community in Milwaukee County grew by
19 52.95 percent, all persons, and then voting-age
20 population was a growth of 54.29 percent over the
21 decade. So also just to note, the blue lines on
22 there are the -- is the overlay of SB 148 as
23 introduced, so that's the blue line showing you
24 how the districts as proposed relate to the heat
25 map of the racial minorities.

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1 Next what we'll show you is a larger display
2 of maps for both the African-American -- I'm
3 sorry, the Milwaukee districts for both the senate
4 and the assembly districts.

5 CHAIRMAN ZIPPERER: If I could
6 interrupt for just a second, I know some of the
7 public are having a hard time seeing the maps. If
8 we could have the maps as they're displayed kind
9 of put up by the back side; and, please, whether
10 you approve of what the chairman says or anybody
11 else, please, no clapping or anything else. Just
12 go on without comment, but thank you.

13 MR. OTTMAN: These are the new --
14 to my right is the new senate seats; and as you'll
15 see, geographically they by and large get larger,
16 particularly on the north side of the city, and
17 that's a direct result of the need to add
18 population to those districts while also being
19 respectful of minority concerns.

20 The goal in those seats is to allow members
21 of the minority community to elect candidates of
22 their choice; and so as these districts were
23 drawn, these were the two main principles that
24 were at play in drawing those districts, making
25 sure that the population was sufficient and making

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1 sure that minority concerns were respected.

2 MR. HOLTZ: Just to bring it into
3 context, the change in the minority populations
4 over the decade and what the court did ten years
5 ago, ten years ago there were five
6 African-American majority minority districts as
7 drawn by the court plan, one influence district.
8 That would be Assembly District 12. Then there
9 was also Assembly District 8, which was majority
10 Hispanic voting-age population.

11 Now, over the decade those districts became
12 more concentrated in their percentages of
13 African-American voting-age population. So just
14 to kind of walk you through where we started out
15 when the court passed the map ten years ago, where
16 we are on census day and what SB 148 does,
17 Assembly Districts 10, 11, 12, 16, 17 and 18 are
18 the districts in question here. All of those
19 except for Assembly District 12 were majority
20 minority at the time of the court map being passed
21 ten years ago.

22 At the time of court passage Assembly
23 District 10 had an African-American voting-age
24 population of 67 percent; 11, 62 percent; Assembly
25 District 12, 32.7; Assembly District 16, 60.45;

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1 Assembly District 17, 61.88; and Assembly District
2 18, 56.7.

3 As of census day 2010, what I'm about to list
4 off are the percentages of African-American
5 voting-age population in those districts as of
6 census date 2012. Assembly District 10 is 67.43.
7 11 went up from 62.85 to 75.84. Assembly District
8 12 from 32.77 to 48.99. Assembly District 16 was
9 60.45. On census day it was 55.87. Assembly
10 District 17 went from 61.88 from court passage to
11 74.1 as of census day, and Assembly District 18
12 went from 56.7 to 58.85.

13 And then finally I just want to give you the
14 numbers on the African-American voting-age
15 population in SB 148 as proposed. Assembly
16 District 10, 61.79; Assembly District 11, 61.94;
17 Assembly District 12, which was the influence
18 district ten years ago, is 51.48 in SB 148.
19 Assembly District 16 is 61.34. Assembly District
20 17 is 61.33, and Assembly District 18 is 60.43.

21 MR. OTTMAN: I was just going to
22 add the corresponding percentages for the senate
23 districts ten years ago. The African-American
24 voting-age population was approximately 54.2
25 percent, and Senate District 6 was approximately

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1 59.6. Under SB 148 the corresponding percentages
2 are 58.4 percent for Senate District 4 and 61
3 percent for Senate District 6.

4 To my left then is the same exercise for the
5 Hispanic districts on the south side of Milwaukee.

6 MR. HOLTZ: And just to touch on
7 the Hispanic community, and we'll get more into
8 detail, but just to give you kind of percentages
9 where the court passed the map and where we were
10 as of census day, Assembly District 8 was the
11 majority minority African-American -- or, I'm
12 sorry, Hispanic seat. At the time of court -- the
13 court adopting the map, it was 58.34 percent. On
14 census date 2010, it was 65.5 percent. SB 148 as
15 it's proposed is 57.24, but we'll get into more
16 detail about that and some alternatives as we move
17 forward.

18 Assembly District 9 at the time of court
19 passage was 22.94 percent Hispanic voting-age
20 population. It went up to 46.18 as of census day
21 2010, and, again, SB 148 as proposed is 57 and a
22 quarter; but, again, we'll get into some
23 alternatives about that as we move forward.

24 MR. OTTMAN: And just to give you
25 the corresponding number on the senate seat, which

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1 is Senate District 3 there, at the time of the
2 court-drawn plans the Hispanic voting-age
3 population in that district was approximately 28
4 and a half percent. Over the decade that grew to
5 slightly over 38 percent, and under SB 148 as well
6 as the alternatives we'll show you in a minute
7 that percentage grows to 40.8 percent.

8 And now what we have done is with Assembly
9 Districts 8 and 9 there are several different ways
10 that you can configure those districts. We
11 haven't described for you the way they're proposed
12 in the Senate Bill 148, and there's one amendment
13 introduced that we're going to show you how that
14 looks, and then there's also another amendment
15 that's been drafted but not yet introduced that is
16 kind of a third alternative as to how those two
17 districts will be drawn, and let's put those up
18 for you now. Within the boundaries of what you
19 see in SB 148 there are a couple of different
20 configurations of those districts that have not an
21 insignificant impact on the voting-age population
22 of those Hispanic seats.

23 The district to my right is -- this amendment
24 is being drafted. It's not yet been introduced,
25 but what this amendment would do would create

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1 Assembly District 8 with a voting-age -- Hispanic
2 voting-age population of 60.5 percent and Assembly
3 District 9 with a Hispanic voting-age population
4 of 54 percent.

5 MR. HOLTZ: And then to my left you
6 will see the amendment that has been introduced
7 and is currently online. It's a rebalancing of
8 the districts that Tad mentioned but in a way that
9 makes Assembly District 8 64.0 percent Hispanic
10 voting-age population and Assembly District 9 50.6
11 percent Hispanic voting-age population. So those
12 are the -- and then just to bring us back to
13 SB 148 as proposed, that is a split at 57 and a
14 quarter for both Assembly Districts 8 and 9.

15 MR. OTTMAN: As we previously
16 discussed, the senate seat, Senate District 3 at
17 the beginning of the decade, after the court-drawn
18 plan, was 28 and a half percent, and the Hispanic
19 voting-age population in that district grew by 10
20 percent over the decade. With this map under all
21 of these configurations, the senate district is
22 over 40 percent, almost 41 percent; and as we've
23 seen on some of the earlier population trends,
24 Hispanic community in Milwaukee is one of the
25 fastest growing segments of the city and of the

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1 county.

2 So over the course of the next decade you
3 could see that senate district grow in Hispanic
4 voting-age population to the point where it may
5 tip over to a majority minority district. The
6 reason that we drafted these alternatives is that
7 we hope that there will be, you know, commentary
8 from the public on which alternative they feel
9 works best for the community and that the
10 committee and the legislature will be able to
11 weigh those alternatives as this bill moves
12 forward.

13 The next item I just wanted to bring to your
14 attention is the items of legislators who were
15 paired, and let me just give you a quick -- a
16 quick rundown of which legislators are paired
17 under this map. On the senate side there's a
18 pairing in the 21st Senate District between
19 Senator Van Wanggaard and Senator Wirch. On the
20 assembly side there are a number of pairings. In
21 Assembly District 7, Representatives Krusick and
22 Zepnick. In Assembly District 92, Representatives
23 Danou and Radcliffe; in Assembly District 22,
24 Representatives Ott and Pasch; in Assembly
25 District 31, Representatives August and

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1 Laudenbeck; Assembly District 60, Representatives
2 Pridemore and Kessler; Assembly District 61,
3 Representatives Kerkman and Steinbrink; Assembly
4 District 88, Representatives Klenke and Jacques;
5 Assembly District 14, Representatives Kooyenga and
6 Cullen; Assembly District 89, Representatives Van
7 Roy and Nygren; and in Assembly District 33,
8 Representatives Nass and Jorgensen.

9 As we discussed earlier, the three main
10 principles that define reapportionment are equal
11 population, sensitivity to minority concerns, and
12 compact and contiguous districts. In
13 reapportioning to those standards, pairings are
14 sometimes an inevitable consequence, and that is
15 why you see those pairings here. There were a
16 number of pairings after the last court
17 redistricting plan as well. It's one of the
18 consequences of meeting the other standards of
19 reapportionment.

20 MR. HOLTZ: Just something to add
21 in also, it relates to open seats and pairings and
22 going back to the amendments for the Hispanic
23 community. In all three configurations the
24 rebalancing of Assembly Districts 8 and 9, in all
25 cases Assembly District 9 is an open seat. I just

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1 wanted to point that out. So whatever amendment
2 the Hispanic community comes out in favor of, all
3 three of those configurations represent an open
4 9th Assembly District.

5 MR. OTTMAN: And similarly on the
6 north side of Milwaukee the Assembly District 12,
7 which we walked through the percentages before,
8 that is also an open seat at this time.

9 The final thing I kind of wanted to describe
10 to you was the issue of disenfranchisement; and if
11 you remember back to the senate district in the
12 overpopulation and under-population map that we
13 discussed at the outset, disenfranchisement occurs
14 when -- essentially when a voter goes six years
15 between the opportunity to vote for state senate
16 -- state senator.

17 In this reapportionment, that occurs when a
18 member who presently lives in an even-numbered
19 senate district under the new map would reside in
20 an odd-numbered senate district, and that means
21 they would go six years in between elections.
22 Under any reapportionment plan a certain amount of
23 disenfranchisement is inevitable and unavoidable,
24 and a couple examples. As we talked about in Dane
25 County, between the three senate districts in and

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1 around Madison were in that 40,000 population,
2 there's no place for those people to go other than
3 odd-numbered districts because that's what
4 surrounds those communities. Similarly, in the
5 10th Senate District in western Wisconsin, which
6 is 20,000 overpopulated, there's no place for
7 those voters to go except into the odd-numbered
8 senate seats surrounding it.

9 And furthermore, even when you have
10 population of an even numbered -- I'm sorry, an
11 odd-numbered senate seat that has to spill into
12 other seats, the ripple effect by moving lines out
13 into the next district causing them to move into
14 the next district, that results in additional
15 displacement and some additional
16 disenfranchisement. What we've done here is tried
17 to the best of our ability to minimize that
18 displacement, and I'll let Adam walk through the
19 numbers compared to previous court plans.

20 MR. HOLTZ: what we looked at with
21 the disenfranchisement issue is establishing where
22 courts have gone in previous maps, and what we
23 found is that if you look at the 1992 court
24 decision, there were 257,000 voters temporarily
25 disenfranchised as a result of that map, which at

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1 the time worked out to five and a quarter percent
2 of the state's population.

3 We used that as a benchmark, and then what we
4 did is we took that five and a quarter percent and
5 applied it to the new population of Wisconsin of
6 5,600,000 and change and almost 5.7 million, and
7 came up with a number of -- in our
8 disenfranchisement of 299,704. And what that does
9 is it keeps on par with the '92 court decision
10 that had a disenfranchisement of about five and
11 quarter percent of Wisconsin's population.

12 MR. OTTMAN: And with that, I think
13 that kind of concludes our testimony. We'd be
14 happy to answer any questions that the committee
15 may have.

16 CHAIRMAN ZIPPERER: Thank you for
17 your thorough comments this morning. I kind of
18 feel like I'm back in Statistics 101 here.
19 Appreciate your work on this. I just have a
20 couple questions, and then I'll throw it over to
21 committee members. First of all, obviously
22 everybody wants to see as much detail of these
23 maps as possible. Do you have them available for
24 committee members in some sort of electronic form
25 that we could get that to committee members after

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1 the hearing today?

2 MR. HOLTZ: The legislative --
3 LTSB, our in-house Legislative Technology Services
4 Bureau, they have made the maps available online
5 in what effectively is a Google map, for lack of a
6 better term, so that is available. If you Google
7 Wisconsin Redistricting, it's the first hit. It's
8 interactive map. You can zoom in, zoom out, check
9 things out at the street level, and it's great.
10 It's very detailed.

11 CHAIRMAN ZIPPERER: Okay. So
12 everything here is available online through LTSB's
13 website?

14 MR. OTTMAN: Some of these maps.
15 For example, the heat maps of the population are
16 not readily available, but we can try and produce
17 copies and get them to the committee.

18 CHAIRMAN ZIPPERER: Can we leave
19 them here available for members to look at?

20 MR. OTTMAN: Sure.

21 CHAIRMAN ZIPPERER: Thank you. I
22 guess, you know, one of the one of the questions
23 that has come up in the last week that I've heard
24 on redistricting since the map has been released
25 is, you know, what's the reason for the

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1 legislature moving so quickly. Could you kind of
2 talk to that issue a little bit about why the
3 legislature should be acting now?

4 MR. OTTMAN: Sure, the -- it's a
5 constitutional requirement for reapportionment in
6 the first session after the census is completed.
7 I think one of the reasons why there is some
8 urgency at this time is because former senate
9 Democratic majority leader Judy Robson has filed
10 lawsuit in federal court against the state saying
11 that the current districts are unconstitutionally
12 mal-apportioned.

13 And given that this is a state function to
14 reapportion, it's incumbent upon the legislature
15 to act rather than to leave that to the court, and
16 I think that's probably the clearest answer as to
17 why it's incumbent upon the legislature to act as
18 quickly as possible is because of that federal
19 court challenge.

20 CHAIRMAN ZIPPERER: Thanks. Just
21 one other question from me. You mentioned some of
22 the pairings, and then you mentioned a couple of
23 the open seats. I think that obviously generates
24 some interest of areas where there will be no
25 incumbent living in a particular district at a

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1 time.

2 Could you tell me how many or could you give
3 me kind of a comprehensive view of what the open
4 seats are around the state? Sounds like one in
5 the senate and then however many in the assembly.

6 MR. HOLTZ: That's correct,
7 Senator. The open seat is SB 22, which would be
8 the Racine, Kenosha proper senate seat. On the
9 assembly district side the open seats are Assembly
10 District 2, 9, 13, 38, 47, 65, 32, 80, 90 and 91.

11 CHAIRMAN ZIPPERER: Thank you. I
12 believe Representative Kuglitsch had a question.

13 REPRESENTATIVE KUGLITSCH: Thank
14 you, Chair, and Tad and Adam. You have a great
15 big undertaking and congratulations. You
16 mentioned about pairings. Could you break that
17 down into how many were Republican against
18 Democrat, how many were Democrat against Democrat
19 and how many were Republican against Republican?
20 Thank you.

21 MR. HOLTZ: On the assembly side
22 the breakdown of the pairings, there are two
23 Democrat v. Democrat pairings, Krusick and Zepnick
24 in 87. In 80-92 Representatives Danou and
25 Radcliffe. Continued down the assembly list, on

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1 the Republican v. Democrat pairings, you have
2 Representatives Ott and Pasch, Pridemore-Kessler,
3 Kerkman-Steinbrink, Kooyenga-Cullen,
4 Nass-Jorgensen.

5 And then the final category, the Republican
6 versus Republican pairings, you have
7 August-Laudenbeck, Klenke-Jacques, Van Roy-Nygren.
8 And as we mentioned, there is one senate pairing
9 with Senators Wanggaard and Wirch in SD 21. So
10 all things considered, there are 12 GOP -- 12
11 Republican incumbents paired, in a pairing
12 situation, and ten Democrats in a pairing
13 situation.

14 CHAIRMAN ZIPPERER: Representative
15 Danou.

16 REPRESENTATIVE DANOU: My first
17 concern, and I have a number of questions. I
18 don't know how you prefer to go through this, if
19 you want me to go one at a time or --

20 CHAIRMAN ZIPPERER: Just you can
21 proceed with a couple questions at a time. That's
22 fine. No need to come back.

23 REPRESENTATIVE DANOU: I guess the
24 first part is why these districts are being drawn
25 in contravention of essentially longstanding legal

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1 and tradition of allowing local communities draw
2 their ward lines first from the bottom up,
3 municipalities, counties, et cetera, and then the
4 State follows up. And what's going on is really
5 the State is essentially, from the looks of this,
6 imposing on the local communities the wards, and
7 I'm curious as to what the purpose of that is.

8 MR. OTTMAN: The answer to that
9 question kind of stems from my earlier comment to
10 Senator Zipperer in terms of why act now, and
11 that's because the federal lawsuit is challenging
12 the State that these districts are
13 unconstitutionally mal-apportioned and that the
14 State needs to act. And they are asking the
15 federal court to step in and act now because the
16 State has not acted. So I think that's why it's
17 incumbent upon the legislature to act earlier
18 rather than later.

19 And kind of the second part of the answer to
20 that question is technology has moved to the point
21 where it is much easier to draw these maps in
22 advance of the locals completing their process.
23 When I was first involved in redistricting after
24 the 1990 census, I was literally handed a sheet of
25 census data and some colored pencils. We've come

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1 a long way since then.

2 The process of redistricting has moved along
3 rapidly, and it is much more technologically
4 feasible to act in this manner; and as you've
5 seen, a number of states, including surrounding
6 states, have already completed, who are well on
7 their way to completing their reapportionment
8 plan. So the timing in Wisconsin's
9 reapportionment is not out of line with what
10 several other states do.

11 REPRESENTATIVE DANOU: If I could
12 just follow up on that, most of those states --
13 it's my understanding, for instance, Iowa has a
14 nonpartisan redistricting. They're working on
15 this ahead of time anyway, so that's maybe not an
16 appropriate analogy.

17 But I'm looking at something from the
18 Appleton Post talking about Fox Valley communities
19 that have been working for months to redraw their
20 political boundaries, and now all of a sudden
21 we're going to drop this thing out of the sky on
22 them. And they've got to rework around it after
23 all this work they've already done.

24 I think we talk a lot in this place about
25 local control except when it suits our needs, and

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1 I think that's what concerns me here is we're
2 really dropping these lines out of the sky on a
3 lot of local communities. And in some ways, quite
4 frankly, I know you're talking about maintaining
5 compactness and integrity, but it's pretty clear
6 that there's more going on there than that.

7 I think, you know, when we don't -- why --
8 why -- so the court case is going to proceed. I
9 don't see the court case proceeding in such a
10 manner that we can't at least allow by the end of
11 this summer, which typically is August when they
12 finish their lines, do this map in the fall, and
13 we'd have it done sometime by the beginning and
14 end of this year, beginning of next year, which is
15 typically the way it's been done.

16 I am confused as to why, even with this court
17 case coming, we need to move ahead at this rate,
18 especially when I'm hearing a lot from a lot of
19 local communities saying, "Let us draw our lines
20 first."

21 CHAIRMAN ZIPPERER: I guess that
22 was more of a comment than a question; but if you
23 want to respond, feel free.

24 MR. OTTMAN: The only thing I will
25 say is it goes back to under the federal court

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1 case, we don't know what timeline they will
2 operate under. You may very well be right. They
3 could decide to act tomorrow. We just don't know.

4 MR. HOLTZ: Just add on that
5 quickly, Senator Robson, former Senator Robson,
6 filed an additional brief in court last Friday,
7 again, encouraging the court to act and intervene
8 in this process. So she has again filed trying to
9 push this process forward at the court level.

10 CHAIRMAN ZIPPERER: Senator
11 Erpenbach.

12 SENATOR ERPENBACH: Thanks. First
13 of all, Tad, I know you've been knocking around on
14 this for a long time, so I know you know that we
15 probably should have a PowerPoint in front of us
16 because we really can't see what you were talking
17 about, even sitting up here. So hopefully -- I
18 know I have more questions, and I know most of the
19 committee members would have more questions if we
20 could exactly see what was going on.

21 Couple of things. I want to get to the
22 timeline. Chris touched on it just a little bit.
23 It's a federal court case. It could -- it's going
24 to drag out for a little while. We could at least
25 wait three, four, five weeks and let the locals

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1 draw their maps, draw their lines. But in the
2 meantime, even if you didn't want to wait to let
3 the locals do it, we could wait three or four or
4 five weeks just to give the public an opportunity
5 to take a look at this.

6 This was introduced last Friday. Here we are
7 on Wednesday, in session next Tuesday to pass it.
8 Now, this is something that's going to have
9 obviously huge impacts on people not -- forget
10 legislature -- on people all over the state. So
11 would Senator Fitzgerald be open to delaying the
12 process, letting people take a look at these maps
13 until at least to the middle or the end of August
14 before we actually voted on them?

15 MR. OTTMAN: I have not had that
16 conversation with Senator Fitzgerald about the
17 timing, would he be willing to wait or not. I
18 mean, I can comment on, you know, the map, SB 148,
19 and kind of how it's drawn. In terms of, you
20 know, the other bill that -- SB 150 that changes
21 the order in which the State -- I'm not prepared
22 to testify --

23 SENATOR ERPENBACH: Right.

24 MR. OTTMAN: -- on that. And
25 ultimately when to take up SB 148 and when to take

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1 up the other bills is ultimately up to the
2 committee and to the legislature.

3 SENATOR ERPENBACH: And I know
4 you're just redistricting. I mean, we write the
5 map, then we change the law to make sure what we
6 end up doing is legal.

7 Couple of quick questions more so about the
8 27th Senate District and the 10th Senate District.
9 The 27th had 25,000 people more. The 10th had
10 10,000 people more. You said geographically the
11 20,000 in the -- the 27th had 25,000, so
12 geographically the 10th had to shrink.
13 Geographically the 27th Senate District gets
14 bigger even though it was the most populated
15 senate district, and there are two open, two new,
16 assembly seats within that. Can you explain that?

17 MR. OTTMAN: Yes. And as I kind of
18 started out my presentation, there's three core
19 principles that go into any reapportionment plan,
20 and that's equal population, compact and
21 contiguous, and sensitivity to minority concerns.

22 As you draw in accordance with those
23 principles, you have to make choices between some
24 of those principles when they're in competition
25 with each other. And as I walked through some of

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1 the decisions that were made in Madison, the
2 decisions that we made in Madison were to kind of
3 unite the City of Madison, more complete assembly
4 districts and as well as two senate districts
5 rather than three. Those decisions have ripple
6 effects on other districts, and in this case they
7 had a ripple effect on the 27th Senate District.

8 I'll also point out that wherever you start
9 in the map, you could start at any number of
10 locations at the map to kind of begin your plan.
11 But the decisions you make at that starting point
12 ripple out all across the state, and some of those
13 decisions may look different than somebody who
14 started -- if you started with the 27th senate
15 seat, you would come to an entirely different look
16 for the whole state.

17 So it's a product of trying to balance
18 competing legal principles as well as, you know,
19 looking at starting points from where you begin to
20 reapportion.

21 SENATOR ERPENBACH: Where did you
22 start?

23 MR. OTTMAN: Typically we looked at
24 Milwaukee because of the sensitivity there to
25 minority concerns.

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1 SENATOR ERPENBACH: So you started
2 in Milwaukee and went out.

3 MR. OTTMAN: In some regards. You
4 can start there, and you have other places that
5 you then come together, and then you see how it
6 all fits together. And then you reach decision
7 points where, okay, here's where you started,
8 here's where it leaves here, do we want to make a
9 different decision there, and that ripples back
10 and forth. So it really is a giant jigsaw puzzle
11 trying to balance those competing legal
12 principles.

13 SENATOR ERPENBACH: Taking the
14 philosophy that you guys had with the City of
15 Madison, it went from three senate districts down
16 to two just for the idea of continuity, correct?
17 So why not take that same philosophy one county
18 south to Green County which had one senate
19 district and now has three?

20 MR. OTTMAN: That certainly is a
21 choice that could be made; but as I mentioned,
22 there are different legal principles, and making a
23 choice on those principles may lead you to
24 compromise the other principle or to weigh the
25 other principle more heavily.

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1 So it's all a matter of choices. What you
2 say is a perfectly legal, valid choice, but there
3 are other legally valid choices that can be made.
4 And that's why you see different principles
5 applied in different parts of the state.

6 SENATOR ERPENBACH: And just two
7 more questions, again, one dealing with the 27th,
8 because that's the one I know the best. Again,
9 keeping in mind that it had the largest population
10 in the past ten years, and now we have two
11 brand-new assembly districts within that senate
12 district that had the largest population growth
13 out of everybody else, how do you justify in order
14 to get rid of -- not get rid of, that's not a nice
15 way to put it -- to lose 25,000 people within that
16 senate district, how do you justify essentially --
17 I don't know the numbers exactly, but at least 50
18 percent of it looks brand new.

19 If you just needed to lose 25,000, you would
20 think that along with the lines of your philosophy
21 of the 10th, it would probably shrink up a little
22 bit; but as a result to lose the 25,000, 50
23 percent of the district is new. How do you
24 justify that?

25 MR. OTTMAN: I know I'm going to

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1 sound like a broken record, but it kind of comes
2 back to the same point. It's -- there are
3 reapportionment principles that are applied to any
4 map drawing, and you have to make choices between
5 them. And it's a matter of which choices you make
6 in applying those principles and kind of where you
7 start and where the ripple effect spills out.

8 SENATOR ERPENBACH: Okay. Then
9 last question. Did you look at the partisan
10 makeup of the districts at all, and, Part B of
11 that, did the recall elections have anything to do
12 with the timeline?

13 MR. OTTMAN: Again, answering your
14 second question first, I can't -- I can't speak to
15 the timeline. That's a question for leadership in
16 terms of when it's moving.

17 SENATOR ERPENBACH: Is he going to
18 be testifying?

19 MR. OTTMAN: I'm not aware of it,
20 no. And, I'm sorry, what was your first question?

21 SENATOR ERPENBACH: First question
22 is did you look at the partisan makeup of the
23 districts?

24 MR. OTTMAN: That information was
25 made available to all four caucuses by the --

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1 SENATOR ERPENBACH: Yeah, but you
2 guys had the legal representation. We didn't.

3 MR. OTTMAN: The information was
4 made available by the Government Accountability
5 Board through the nonpartisan Legislative
6 Technology Service Bureau, and it was available to
7 all four of those caucuses along --

8 SENATOR ERPENBACH: I guess the
9 best way to put it is did you consider the --

10 CHAIRMAN ZIPPERER: Senator --
11 Senator --

12 SENATOR ERPENBACH: -- partisan
13 makeup of the districts when making -- when
14 drawing up the maps?

15 CHAIRMAN ZIPPERER: -- if I could
16 interrupt, I give committee members pretty much
17 leeway to go back and forth on questions, but if
18 you could let the individuals answer when they're
19 here, that would be appreciated.

20 MR. OTTMAN: That information was
21 available. I do not have that information here
22 with you. It was available, but the principles by
23 which the map were drawn were those that I
24 enumerated earlier, equal population, sensitivity
25 to minority concerns and compact and contiguous

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1 districts.

2 SENATOR ERPENBACH: Did the
3 partisan makeup of the districts come into play at
4 all when drawing the maps?

5 MR. OTTMAN: The principles were
6 the ones I enumerated. Those were the ones that
7 drove drawing the map.

8 SENATOR ERPENBACH: So the answer
9 is no?

10 MR. OTTMAN: The answer is that we
11 followed those three legal principles.

12 SENATOR ERPENBACH: Okay. Thanks.

13 CHAIRMAN ZIPPERER: Representative
14 Bewley.

15 REPRESENTATIVE BEWLEY: Thank you.
16 I want to congratulate you on the balancing act
17 that you have to do in order to put those things
18 together. In drawing those maps, I know that you
19 said you had to do that. You had to balance. I
20 would like to suggest, and although you had
21 suggested you cannot answer timeline issues, it
22 would seem to me that there are a number of ways
23 to determine what timeline one follows in this,
24 and you are saying that the overriding concern is
25 this court case but that the other timeline

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1 pressures, such as existing tradition, the local
2 control of communities, those timeline choices
3 were passed over for the timeline choice of a
4 court case. Could you comment on that?

5 MR. OTTMAN: I guess the only
6 comment I would have on that is we were directed
7 to work on the reapportionment plan, and that's
8 what we have done in consultation with the
9 leadership in both houses. Once that plan is put
10 together, the timing and the ultimate passage of
11 the bill as well as the legislation to allow us to
12 act in this fashion is entirely up to the
13 discretion of the legislature, so we prepared the
14 plan. This is the plan that we helped prepare
15 with directional leadership. The timing issues
16 and whether or not to pass it is entirely up to
17 the legislature.

18 REPRESENTATIVE BEWLEY: The
19 suggestion or the necessity to have legislation in
20 order to do it this way is part of what you're
21 presenting to us today.

22 MR. OTTMAN: We are only testifying
23 on SB 148.

24 REPRESENTATIVE BEWLEY: Okay.

25 MR. OTTMAN: The rest of the bills

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1 are in the committee and in the legislature for --
2 REPRESENTATIVE BEWLEY: Fair
3 enough. I had one more question. Could you
4 please put up the assembly maps statewide
5 proposed? And I want to ask a question concerning
6 you had implied that you have to start somewhere.
7 There has to be a beginning point, and from that
8 you would -- you know, then there's somewhere you
9 move outward from that. I would just like to
10 point out that clearly the 87th was not the
11 starting point, if you look at that map.

12 If I look at that and I would ask a
13 reasonable person, I would say that any reasonable
14 person would look at the 87th and say, "This isn't
15 done. This cannot be the end result, really?"
16 Could you comment on that?

17 MR. OTTMAN: Sure. And what Adam
18 is doing, he is putting up the present
19 configuration of the 87th Assembly District. And
20 if you look at the two of them in comparison,
21 while their shape didn't change, kind of the total
22 area and the general shape of the district under
23 the current map and the proposed map is not
24 radically different. That was a sprawling
25 district ten years ago. It remains a sprawling

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1 district.

2 REPRESENTATIVE BEWLEY: But don't
3 you take the opportunity to improve upon what are
4 difficulties? And, again, I know you have to
5 balance but --

6 MR. OTTMAN: You kind of answered
7 my question for me. You look for -- you know, I
8 enumerated a couple of the communities we tried to
9 put back together or tried to put into one
10 district. Geography is a factor, and the other
11 factor which I touched on earlier was
12 disenfranchisement.

13 when you make radical shifts to the outline
14 of a district in order to maybe establish
15 something that doesn't look as sprawling, there
16 are ripple effects that may play into
17 disenfranchising people, whereas you may make a
18 choice to keep it closer to the current
19 configuration and not have that -- those other
20 sides effects.

21 There are competing legal principles, and
22 choosing one principal has an effect on other
23 principles.

24 REPRESENTATIVE BEWLEY: Understood.
25 Thank you.

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1 CHAIRMAN ZIPPERER: It's come up a
2 couple of times the order of whether
3 municipalities go first or the State goes first.
4 I realize you're not specifically talking about
5 that bill, but you've been around the legislature
6 a little bit longer than me and longer than a lot
7 of the committee members. Haven't there been
8 other proposals in the past, as technology has
9 evolved, to allow the State to go first? Haven't
10 there been proposals in the past in the
11 legislature here from past sessions that have been
12 put forward? Are you familiar with any of those?

13 MR. OTTMAN: Yeah. In fact, you
14 know, looking at the legislation, again, I'm not
15 here to testify in SB 150, but it's my
16 understanding that the bulk of the language in
17 that bill was lifted from previous bills
18 introduced in the past by Senator Chvala and
19 Representative Kessler.

20 CHAIRMAN ZIPPERER: Something
21 Senator Chvala and Senator Kessler have proposed,
22 at least along this whole line.

23 MR. OTTMAN: The concept is
24 certainly not new.

25 CHAIRMAN ZIPPERER: Thank you. I

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1 believe Representative Danou had a question.

2 REPRESENTATIVE DANOU: Yeah, just a
3 couple more brief follow-ups here. Getting back
4 to -- I guess getting back to this whole timeline
5 issue, and I'll ask -- and maybe this is a better
6 question with respect to chairs. We're talking
7 about the timeline. From what I'm hearing from
8 you, the timeline issues are really being set by
9 the speaker and the majority leader respectively.

10 Are we going to have a chance to hear from
11 them at all because really you guys are working
12 for the leadership of your respective houses, and
13 they're not here to hear from. And I'm wondering,
14 are we going to hear from them today? Do we have
15 any idea? Are they planning to be here to discuss
16 this?

17 CHAIRMAN ZIPPERER: I'm not
18 familiar with any plans with respect to them being
19 here. These are representatives of their offices.

20 REPRESENTATIVE DANOU: Okay. And I
21 guess the other follow-up I have then is you
22 talked about how back in the old days you used to
23 draw these lines with a colored pencil. So who
24 did actually draw the lines? I mean, was there --
25 who were the actual group of people that sat down?

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1 I mean, was it you? Was it the actual speaker,
2 the majority leader? Was it a group of lawyers
3 from an outside law firm? Who were the ones that
4 literally sat down at the computer now and drew
5 these lines out? Can you tell me that?

6 MR. OTTMAN: Senator Fitzgerald and
7 Speaker Fitzgerald asked Adam and myself to work
8 on the reapportionment plan in consultation with
9 legal counsel, so that's what we did. We had the
10 redistricting software and the hardware and did
11 the work of reapportionment, and then the ultimate
12 decision was made by leadership in terms of final
13 map.

14 REPRESENTATIVE DANOU: So it was
15 literally -- you're saying you two are the folks
16 that actually sat down at the computer and drew
17 these final lines that we're looking at in front
18 of us right now.

19 MR. OTTMAN: That's correct.

20 REPRESENTATIVE DANOU: Thank you.

21 CHAIRMAN ZIPPERER: Any other
22 questions? Thank you very much. Up next,
23 Professor Richard Esenberg speaking in favor.
24 Professor Esenberg? Welcome.

25 MR. ESENBERG: I'd like to thank

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1 the committee for the opportunity to be heard. My
2 name is Richard Esenberg. I am currently employed
3 as president of the Wisconsin Institute for Law
4 and Liberty. I'm an adjunct professor of law at
5 Marquette University Law School.

6 I've spent the last four years as a full-time
7 member of the faculty at Marquette and have taught
8 and expect to continue to teach a variety of
9 courses, including courses in state constitutional
10 law and election law. My scholarship has appeared
11 in Harvard Law Review, Harvard Journal of Law and
12 Public Policy, Wake Forest Law Review, William and
13 Mary Bill of Rights Journal and Election Law
14 Journal, among others.

15 I appear today in my individual capacity as a
16 citizen, lawyer and a scholar and not on behalf of
17 or as a representative of the Wisconsin Institute
18 of Law and Liberty, Marquette University Law
19 School. In addition to making clear for whom I
20 speak, I want to clarify the nature of the
21 comments that I intend to offer. I have been
22 asked to opine on the legality of the plan that
23 has been proposed, by which I mean its
24 vulnerability to challenge federal constitution,
25 state constitution and other applicable legal

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1 requirements such as the Federal Voting Rights
2 Act. The answer to that question is quite clear.
3 The plan is simply not vulnerable.

4 I am not, however, here to testify whether
5 this is the best plan or whether there might be
6 some other plan that has certain advantages that
7 may or may not be desirable. I don't propose to
8 answer those questions because a Court will not
9 ask those questions. This is something -- we are
10 on the brink of something that we haven't had here
11 in the State of Wisconsin since the 1930s, and
12 that is a legislatively drawn redistricting plan
13 that would presumably be signed by the governor.

14 The reason that we haven't had that is not
15 because courts are in business of micromanaging
16 redistricting. The reason that we haven't had it
17 is we generally had divided government in the
18 State of Wisconsin. And unless one party controls
19 both houses of the legislature and the state
20 house, it is unlikely that a legislative
21 redistricting scheme will ever be adopted.

22 So as we move into this new territory, I
23 think it's important for us to note, particularly
24 in light of some of the comments that have been
25 made in the press, what courts actually do with

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1 respect to legislatively drawn redistricting
2 plans, and the fact of the matter is they are
3 highly deferential to the judgment that is
4 exercised by the legislature and the government
5 because they recognize that what one judge called
6 the high-wire act of legislative redistricting is
7 an inherently political process. And review of
8 that process is not readily susceptible to
9 judicially manageable standards, that is, the type
10 of neutral principles that we lawyers like to
11 apply.

12 And so in reviewing a redistricting plan,
13 courts ask a narrow set of questions. The bar is,
14 with the exception of the requirement of equal
15 population, relatively low. Before moving on to
16 discuss that particular criteria, I want to point
17 out two things. First of all, that's not a bad
18 thing. That's a good thing. It's a recognition
19 on the part of courts that redrawing legislative
20 districts requires the balancing of a number of
21 competing principles that often conflict with one
22 another.

23 It requires a recognition of the decision in
24 one part of the state will affect decisions in
25 other parts of the state and that the application

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1 of even widely accepted principles, like
2 contiguous districts, compact districts,
3 attempting to respect municipal boundary lines,
4 respecting rights of minority voters, all require
5 the making of judgments upon which reasonable
6 people may differ and that the best way to have
7 those decisions made is to commit them to the
8 collective representations of the people subject
9 to very limited judicial review.

10 This also has implications for the way in
11 which we should think about the prior judicial
12 drawings of districts here in the State of
13 Wisconsin because those decisions, the Prosser
14 decision and those decisions, prior to making --
15 drawing these districts, because the courts had to
16 draw them because the legislature couldn't agree,
17 that they don't necessarily establish minimal
18 standards for redistricting. The courts
19 themselves recognize that. The three-person panel
20 in the Prosser case, for example, in 1992 said
21 that they would not favor one political party over
22 another, but they noted that that was because they
23 were drawing the districts in the first instance.

24 They said that if the plan had been enacted
25 by the legislature and approved by the governor,

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1 they would be little concerned about allegations
2 of partisan gerrymandering because that is largely
3 what you will see, a matter that is considered to
4 be a nonjusticiable issue. And so those decisions
5 may be instructed. They may tell us what type of
6 things are acceptable, but they do not establish
7 any type of a road star or base for the evaluation
8 of this plan.

9 And we should not think of this process as a
10 prelude to an inevitable judicial rewriting of the
11 plan. Based on what I've seen, I think that's not
12 going to happen. I think any challenge to the
13 plan would be almost frivolous, and let me explain
14 why.

15 The first item the courts are going to
16 consider is going to be the matter of equal
17 population. We all know that after Baker versus
18 Carr we have to draw legislative districts to be
19 as close in population as possible to some
20 standard. It's not clear what the standard is
21 with respect to legislative redistricts which are
22 governed by the Equal Protection Clause as opposed
23 to congressional districts in which all avoidable
24 departures from mathematical quality have to be
25 eliminated.

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1 And legislature has provided a little bit
2 more leeway in assigning population to legislative
3 districts, but we do know that the departure from
4 the median in this plan is a small -- in fact,
5 smaller than those that were approved by the
6 Court. In fact, the Court in Prosser said that
7 any average deviation to the mean less than one
8 percent is constitutionally insignificant. This
9 plan certainly satisfies that qualification.

10 There would seem to be no possibility of any
11 challenge to the plan based on failure to draw
12 equally sized districts. I have -- we have all
13 read, since the plan was submitted, a criticism of
14 the plan on the grounds that it may favor one
15 party over another. To be sure, I have no idea
16 whether it does that or not. I haven't sat down
17 with a computer and attempted to figure it out,
18 but I will presume for the purposes of going
19 forward that it may be so, that the plan is more
20 favorable to Republicans than other plans that
21 might conceivably be drawn.

22 In fact, I suspect that it is clearly more
23 favorable to Republicans than one that might have
24 been drawn had Mayor Barrett won the election and
25 had the Democrats retained control in both houses

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1 of the legislature. When we talk about judicial
2 review of the plan, however, none of that matters.
3 Partisan gerrymanders are effectively
4 nonjusticiable. You cannot expect to be able to
5 go into court and successfully challenge a plan
6 because you think the legislature should have
7 adopted a plan that favored the majority party
8 less.

9 Here's why. The United States Supreme Court
10 in 1986 in a case called Davis versus Bandemer
11 recognized at least in theory that a partisan
12 gerrymander might be justiciable, but the justices
13 couldn't decide on a standard by which to evaluate
14 them. The plurality adopted a standard which
15 appeared to be quite vague and quite deferential.
16 It required not only an intent to discriminate
17 against an identifiable partisan group but also an
18 actual effect, and that effect had to be severe.

19 The Court said that plurality said that
20 unconstitutional discrimination occurs only when
21 the electoral system is arranged in a manner that
22 will consistently degrade voters -- a group of
23 voters' influence in the political process as a
24 whole. The Court made clear that the constitution
25 does not require that a redistricting plan be

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1 drawn in a way which reflects or for that matter
2 is particularly close to the proportional support
3 enjoyed by the competing political parties in the
4 state as a whole.

5 And it's not hard to recognize why the Court
6 didn't require that. That would really put us in
7 proportional representation system that other
8 democracies have, but we, like the English, don't
9 have that. We have the Westminster system. We
10 elect representatives by geographic district, and
11 that will often result in results which depart in
12 some way from the overall support of a particular
13 political party in the state, and the Court in
14 Davis was not willing to impose a proportional
15 representation system through the vehicle of
16 redistricting.

17 So we had after Davis the fact that a
18 partisan gerrymander could be challenged in theory
19 but probably -- but the standard was unclear. A
20 standard favored by a plurality of justices seemed
21 to place a great burden on anyone who would
22 challenge such a plan on that basis, and not
23 surprisingly, for the next 18 years, no challenge
24 to any redistricting plan anywhere, based on the
25 fact that it was overly partisan, was successful.

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1 They all failed. Every one of them.

2 And so it wasn't surprising that in 2004 when
3 the Supreme Court returned to the matter in a case
4 called Davis versus Jubelirer, a plurality of the
5 justices indicated that Davis should be abandoned
6 and that a partisan -- an allegation of partisan
7 gerrymandering is nonjusticiable because courts
8 had no way to figure out what the ideal plan would
9 be, how much should the plan favor Democrats, how
10 much should the plan favor Republicans. That's
11 simply not a question that courts are capable of
12 answering. So four justices said it's not
13 justiciable.

14 The fifth vote came from Anthony Kennedy who
15 said, "well, I can't think of any way that it
16 would be justiciable. I can't think of any
17 judicially manageable standard to employ to
18 evaluate these challenges, but I'm not prepared to
19 say today that somebody won't think of one
20 someday."

21 Now, as a lawyer who's been practicing 30
22 years and as somebody who's taught and wrote about
23 election law, I come to one conclusion. Partisan
24 -- challenges based on partisan gerrymandering is
25 simply not going to work. In fact, I would

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1 suggest that anyone who attempts it is wasting
2 their money. And the reason for that is because
3 of the judicial deference that courts afford to
4 legislatures in making their very political
5 decisions and the judgment calls necessary in the
6 redistricting plan.

7 And so I think, at least in terms of the
8 legality of the plan, allegations that it's not
9 fair to Democrats, favors the Republicans too much
10 is simply not going to go anywhere in a court.
11 This is something that we can debate about in a
12 political arena, but it is not the basis for a
13 legal challenge to the plan.

14 The state constitution does require, as you
15 noted, that in Article 4, Section 3, that assembly
16 districts be contiguous and as compact as
17 possible. Article 4, Section 5 requires that
18 senate districts be conveniently contiguous, but
19 courts again are very, very deferential in
20 applying those standards because there are all
21 sorts of justifications for departing from the
22 most compact possible district and, in fact, an
23 infinite number of ways to draw compact districts;
24 but in assessing whether districts are -- of
25 course, the districts are contiguous. There's no

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1 question of that, but in assessing whether the
2 district is as compact as possible, there are all
3 sorts of reasons that a plan might depart from
4 that.

5 It might be seeking to avoid minority vote.
6 It might be seeking to promote competition. It
7 might be seeking to accomplish something that the
8 district and people call core retention, where you
9 try to minimize the number of voters who are moved
10 from one district to another. May be attempting
11 to respect the boundary lines of political
12 subdivisions.

13 The Article 4, Section 3 says that county
14 precinct and ward boundaries should be kept
15 intact, not, interestingly enough, city
16 boundaries. The courts have recognized that
17 that's not an absolute command. In fact, we
18 haven't had a plan in Wisconsin that didn't cross
19 county boundaries since I think the 1960s.

20 And so because courts recognize the inherent
21 complexity of drawing compact districts and
22 because compactness is itself a very subjective
23 thing, you will look long and hard before you find
24 any case -- and, in fact, I don't think you will
25 find any case -- in which a legislatively enacted

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1 redistricting plan has been invalidated solely
2 because it was insufficiently compact.

3 Now, having said that, one of the fun things
4 I like to do with my election law students is show
5 them pictures of legislative districts that have
6 been drawn somewhere to -- it's sort of an
7 exercise in showing just how imaginative
8 legislators can be in drawing these districts.
9 And I can put up a lot of examples of things that
10 some of which have been upheld, which are sort of
11 remarkably shaped things. Compared to what I have
12 seen, the map here looks like a chessboard.

13 of course, it's never going to look like a
14 chessboard because of these competing principles;
15 but as these things go, this is not -- this map
16 does not contain any sort of bizarrely shaped
17 districts. I can certainly show you many that
18 have been upheld in which the boundaries are a lot
19 -- are far more imaginative than these.

20 where compactness tends to come into play is
21 in assessing whether or not a plan has been drawn
22 in a way that would run afoul of some other
23 constitutional command, particularly the duty to
24 protect the interest of minority voters. That's
25 the last thing I wanted to touch on this morning.

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1 There is -- a plan does of course have to
2 comply with the equal protection. It cannot be
3 drawn in a way which is intended to discriminate
4 on the basis of race. It also must comply with
5 Section 2 of the Voting Rights Act, which may,
6 under certain circumstances, require the creation
7 of majority minority districts.

8 Now, having looked at the plan on that basis,
9 the plan seems to do quite well to, in fact,
10 create six majority African-American districts,
11 assembly districts, and two African-American
12 majority senate districts. If I read last year's
13 census correctly, results in a number of majority
14 African-American districts which would be roughly
15 proportional to the African-American population of
16 the state much less the percentage of
17 African-Americans that comprise the voters in any
18 particular elections. That's a quite a remarkable
19 feat.

20 In fact, I suspect that you could justify
21 having fewer majority African-American districts
22 than that, but I think that the legislature is
23 certainly warranted and would be upheld in
24 creating the six that it created. With respect to
25 Hispanic districts, of course, the question is a

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1 bit more challenging because the Hispanic
2 population is not as compact, and in a series of
3 cases decided beginning in 1993, the United States
4 Supreme Court has made it clear that not only are
5 legislators not required to draw bizarrely shaped
6 districts in order to create additional majority
7 minority districts, they, in fact, are not
8 permitted to do so.

9 In the case Shaw versus Reno in which the
10 legislature in North Carolina wanted to create a
11 majority African-American district so it drew a
12 district which literally ran along the corridor of
13 I-85 for 50 miles, the boundaries of the districts
14 were on each side of the median to connect two
15 areas of African-American population. Court said,
16 well, that goes too far. That violates the Equal
17 Protection Clause because now you're
18 discriminating on the basis of race.

19 Of course, this plan does not do that. I
20 don't know whether it would be possible to create
21 additional majority minority districts by engaging
22 in that type of gerrymandering, but even if it
23 was, it probably wouldn't be permitted. So once
24 again it seems that the plan is not susceptible to
25 challenge under either the Equal Protection right

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1 or the Voting Rights Act.

2 So once again, my comments are not directed
3 to the political merits of the plan. That's
4 something that you all will debate, robustly, I
5 imagine, and I look forward to watching that. But
6 as a lawyer and an academic, I feel confident in
7 suggesting to you that if this is the plan that is
8 adopted, it will not be susceptible to successful
9 judicial challenge; that if this plan is adopted,
10 it will be the plan. Courts will not rewrite it.
11 Thank you.

12 CHAIRMAN ZIPPERER: Thank you for
13 your comments. Are there questions from committee
14 members? Senator Risser.

15 SENATOR RISSER: Yes. I appreciate
16 very much your analysis. I think it was very well
17 put. We're reviewing three bills, and the third
18 bill has certain requirements, make certain
19 requirements of the Supreme Court, requires the
20 Supreme Court to do things, requires the Supreme
21 Court to assign a three-judge panel to hear any
22 challenges and turns around and says the Supreme
23 Court must choose a judge from certain circuits.

24 It makes -- it requires the Supreme Court to
25 do something. There is a drafter's note saying

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1 that this bill probably is apt to create a
2 violation of separation of powers. My question to
3 you is what about this? Can we turn around and
4 direct the Supreme Court to do all these things?

5 MR. ESENBERG: Well, you know,
6 that's -- first of all, I want to point out that
7 what I was asked to come here and do is to talk
8 about the redistricting plan in light of judicial
9 standards for redistricting. Now we're talking
10 about process, which is a separate issue, and the
11 extent to which the legislature can circumscribe
12 the power of the State Supreme Court is always a
13 difficult issue. And of course it does it in many
14 ways.

15 For example, the legislature has prescribed
16 certain procedures for the judicial review of
17 recount elections, right? Everybody in this state
18 is now an expert on recall elections. First of
19 the year we all know more about it than we ever
20 did before, and we know that if we look at the
21 statutes there are all sorts of prescriptions as
22 to how those were to be reviewed.

23 The legislature lodges venue for actions
24 against the State in Dane County, so I would not
25 react to that automatically by saying, well, I

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1 think that's a violation of separation of powers.
2 On the other hand, I would want to have an
3 opportunity to consider it more carefully before I
4 gave any type of legal opinion on that because,
5 again, that wasn't what I was asked to come and
6 do.

7 SENATOR RISSER: Thank you.

8 CHAIRMAN ZIPPERER: Representative
9 Ballweg.

10 REPRESENTATIVE BALLWEG: Thank you,
11 Mr. Chairman. Given your expertise in this area,
12 just a little bit of a question regarding the
13 statutes. You talked about when it comes to the
14 congressional maps there's a very small deviation
15 that's acceptable in population; legislative maps,
16 a little bit more.

17 Are you aware, could you tell me what may be
18 in statute regarding the deviation when you go
19 into the city, county -- city, town and village
20 wards? Is there a standard for population
21 deviation?

22 MR. ESENBERG: Well, now, the
23 question here is when we draw the district from
24 which individuals are elected, there's a
25 requirement of equality; and the way that it I

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1 think works itself into the precinct -- down to
2 the precinct level is that all of these pieces
3 sort of fit together. And so when the legislature
4 draws senate and assembly districts, it's required
5 -- it is held to an obligation to equally populate
6 them with maybe a little bit more leeway than it
7 has in drawing congressional districts, and the
8 reason for that is because of different -- the
9 Equal Protection Clause governs one, and Article
10 1, Section 2 of the Constitution governs the
11 other.

12 But within these legislative districts of
13 course there are going to be precincts and wards
14 and municipalities, supervisory districts on the
15 county level which were also going to elect
16 representatives, and they're subject to the same
17 requirement. So in Milwaukee we've got -- you
18 know, we'll have senate and assembly districts
19 subject to this requirement of equal population.
20 We'll have aldermanic wards. They are subject to
21 the same requirement and as are supervisory
22 districts.

23 So it's not so much that a precinct or ward
24 that doesn't have -- that doesn't have -- that
25 isn't itself the district from which an official

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1 is elected need to be equal in population, but
2 they tend to be anyway because -- as a
3 constitutional matter, that is, but they tend to
4 be anyway because they are the building blocks for
5 districts that are all subject to this
6 requirement. So I think that's the way the
7 process works.

8 CHAIRMAN ZIPPERER: Representative
9 Danou.

10 REPRESENTATIVE DANOU: Yes, thank
11 you. I guess the first question I'll ask you is
12 you said you were asked to come. Who asked you to
13 come testify at the hearing today?

14 MR. ESENBERG: I was asked to come
15 here by Jim Troupis. I was not, incidentally,
16 told what to say. Jim knows better than that.

17 REPRESENTATIVE DANOU: During the
18 processes prior to this, have you consulted or
19 spoken with or in any way worked with GOP
20 leadership or the attorneys drafting these maps
21 from the private law firms?

22 MR. ESENBERG: Not at all.

23 REPRESENTATIVE DANOU: Not at all?
24 No? And I guess the other thing --

25 MR. ESENBERG: I saw this -- I saw

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1 this -- I saw this plan within the last, I don't
2 know, five days I'm thinking.

3 REPRESENTATIVE DANOU: And I guess
4 my only concern is if you feel the -- and I guess
5 if the folks drafting it or you feel that it's so
6 airtight as far as being able to withstand court
7 scrutiny, any idea why they would offer such a
8 prescription for the Supreme Court to treat it in
9 a certain way and essentially force it down a
10 certain judicial --

11 MR. ESENBERG: Well, since I wasn't
12 involved in drafting it at all, I could only
13 speculate, and I'm not even sure that I could
14 speculate.

15 REPRESENTATIVE DANOU: Thank you.

16 CHAIRMAN ZIPPERER: Senator
17 Erpenbach.

18 SENATOR ERPENBACH: Thanks. I
19 appreciate your testimony. Jim Troupis the lawyer
20 who drew the maps?

21 MR. ESENBERG: I don't know who
22 drew the maps. I know that he was involved in the
23 process; but other than that, I don't know how he
24 was involved other than the fact that I understand
25 that his law firm and Michael, Best were retained

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1 to be involved in this process.

2 SENATOR ERPENBACH: why did he ask
3 you?

4 MR. ESENBERG: why did he ask me?
5 I guess you have to ask him, but my suspicion is
6 that he knows that I'm someone with expertise and
7 teaches in this area. One of the reasons I guess
8 he knows is along with his prominent Democrats, I
9 asked him to come and speak to my Election Law
10 class at Marquette. I'm the only one that teaches
11 Election Law at Marquette. I can't speak for the
12 University of Wisconsin, and so it seems to me
13 that it probably made some sense for him to ask
14 me.

15 SENATOR ERPENBACH: And, Professor,
16 you probably can't answer this. From what I
17 understand, he is the State's or the Republican
18 lawyer for redistricting. why couldn't he be here
19 today; do you know? Probably not a fair question
20 to ask.

21 MR. ESENBERG: All I -- all I
22 knew -- all I know is that somebody asked me to
23 look at the plan, opine on whether or not it was
24 susceptible to a judicial challenge and to be here
25 in Madison in the Capitol at 10 o'clock.

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1 SENATOR ERPENBACH: Yeah, they told
2 me the same thing. And, again, not to question
3 your credentials at all because obviously you're
4 very qualified to testify, but I'm trying to put
5 -- at least in perspective to me, I just want to
6 have the right person. Same professor who
7 comments on Christian radio, conservative talk
8 shows and blogging?

9 MR. ESENBERG: Yes, and also
10 Wisconsin Public Radio, National Public Radio, a
11 number of radio stations here in Madison, and I've
12 even been on Sly's station. I never turn down an
13 opportunity to talk.

14 SENATOR ERPENBACH: You're going to
15 run for office.

16 MR. ESENBERG: Traditional lawyer
17 in that regard.

18 SENATOR ERPENBACH: And then the
19 last question I have for you, in your opinion has
20 the Court -- if you take a look at not only the
21 legislative maps, but I don't know if you've had
22 the chance to see the congressional maps, do the
23 courts ever take into consideration just tradition
24 of districts, like this has always been in the
25 senate district or this has always been in this

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1 congressional district; this has always been in
2 this assembly district?

3 MR. ESENBERG: I think the way that
4 it tends to work itself out is in the following
5 way. They're not going to -- they're not going to
6 enforce these traditions. But let's assume that
7 there was an allegation that a district had been
8 drawn in a particular way to dilute the minority
9 vote.

10 I think in particular of a case called LULAC
11 versus Perry. And, you know, typically anytime
12 the courts deal with an allegation of racial
13 discrimination they generally have to sort of
14 infer intent from direct evidence because there
15 tends not to be direct evidence.

16 And so one would take into account departure
17 from what would otherwise be traditional
18 principles in perhaps concluding that the purpose
19 here was to -- in that case it was I think to
20 protect an incumbent who was thought to be
21 threatened by growing Hispanic population in his
22 district.

23 And so they would look at the departure from
24 what had been done in the past and traditional
25 principles in order to conclude that another

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1 constitutional command, not a command to comply
2 with tradition, or it's always been this way or
3 our own sense of -- you know, our own aesthetic
4 sense of what is and what is not compact, but to
5 conclude that in this case the legislature was
6 improperly motivated by a desire to engage in
7 racial discrimination.

8 But absent that, I think the answer is no,
9 you're not going to have a plan invalidated
10 because it does something different than what has
11 been done in the past absence some allegation that
12 one of these relatively narrow constitutional
13 limitations on redistricting has been violated.

14 SENATOR ERPENBACH: Thanks. Then a
15 question of the co-chairs real quick. With all do
16 respect with regard to those who we've had before
17 testifying so far, I'm wondering why the authors
18 of the legislation and the main lawyer who drew
19 the map, they're not here for questioning.

20 CHAIRMAN ZIPPERER: I guess you'd
21 have to ask them. The committee takes open
22 testimony. Whoever would like to come in and
23 speak can. We've had representatives of both of
24 the leaderships' offices that were here, and the
25 individuals, as you've heard, in response that

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1 were immediately involved in drafting the
2 legislation were the first two to speak. And I've
3 got a list of about, I don't know, 30 folks still
4 coming to testify.

5 SENATOR ERPENBACH: I think given
6 the impact of this legislation and the quickness
7 of the legislation, that the main authors and I
8 guess the State's lawyers, for lack of a better
9 term, should have been here to answer questions.

10 CHAIRMAN ZIPPERER: Chairman Van
11 Roy.

12 CHAIRMAN VAN ROY: Thank you. When
13 we're talking about this as far as the statutes
14 and the courts, are we talking really -- first, is
15 there one part of the law that really looks to --
16 is it population? Does it go to geography? Or as
17 far as the different minorities, does one trump
18 the other or where is the starting point to this?

19 MR. ESENBERG: Well, equal
20 population would trump everything. That is, if
21 you came back, if you tried to adopt a plan in
22 which the districts widely vary in terms of
23 population, that plan would be susceptible to
24 judicial challenge. Now, we don't have that here,
25 and typically we don't have that anymore because

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1 legislatures have learned how to do this.

2 And the problem, of course, is that having
3 equal population then works against all sorts of
4 other considerations. That is, you know, keeping
5 the compact district, following municipal
6 boundaries, keeping communities of interest
7 together, because people are not evenly
8 distributed throughout the state. There's a lot
9 of people that live in one place, a few people
10 that live in another place.

11 And so because of that and because now having
12 imposed this mandate of equal population in Baker
13 versus Carr and a series of other cases, Westbury
14 versus Sanders, the courts recognize that now the
15 legislature has to embark on what, as I mentioned
16 earlier, one court has called the high-wire act in
17 which you now have to take into account all of
18 these competing considerations shackled, if you
19 were, for good reasons, it's not a bad thing, by
20 this requirement of equal population.

21 And so at that point it seems to me that it
22 was inevitable to come to a legal regime where
23 courts would be highly deferential to what the
24 legislature does, and the reason they would be
25 highly deferential is because the United States

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1 Constitution and the Wisconsin Constitution places
2 the responsibility for drawing legislative
3 districts with the legislature, not with the
4 courts.

5 And so absent some departure from this equal
6 population requirement or some form of racial
7 discrimination or failure to abide by Section 2 of
8 the Voting Rights Act, courts are simply not going
9 to interfere in that process, and there's sort of
10 a long tradition, particularly in federal courts,
11 of deferring to state legislatures and sort of
12 recognizing that this is a political question.
13 This is something that the people's elected
14 representatives are charged with the
15 responsibility for; and if the people don't like
16 what they've done, then the solution is to vote
17 them out.

18 CHAIRMAN VAN ROY: One other, if I
19 might follow up, so what you're seeing here is
20 there's just more minority effect here. There
21 isn't a lot of gerrymandering?

22 MR. ESENBERG: You know, it's never
23 going to be a literal chessboard because it can't
24 be. Once we went to the requirement of equal
25 population in the sixties, you can't draw -- you

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1 can't draw a map that looks like that anymore
2 because people are in different places, but I will
3 say that based on much of what I've seen, and I've
4 seen allegations in the paper that, oh, there was
5 sort of a bizarre inverted Y shape.

6 These aren't bizarre as these things go.
7 They're just not. They're fairly -- they look
8 like legislative redistricting plans tend to look.
9 You know, I could show you bizarre. I could show
10 you districts that look like a Rorschach test. I
11 could show you one in Georgia that looks like an
12 ink splat which has been allowed to run along the
13 table so that it splatters and collects, you know,
14 various populations that the legislators wanted to
15 be in that district. You don't have that here.

16 CHAIRMAN VAN ROY: Thank you very
17 much.

18 CHAIRMAN ZIPPERER: Thank you for
19 coming.

20 MR. ESENBERG: Thank you.

21 CHAIRMAN ZIPPERER: Up next we have
22 Congressman Dave Obey speaking against.

23 REPRESENTATIVE ZAMARRIPA: I just
24 have a question for the chairperson. Regarding
25 the Senate Amendment LRB 2266/1, the two staffers

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1 that sat in for the authors of the bill said that
2 they would speak to it later. Are they going to
3 return so that we can discuss the amendment?

4 CHAIRMAN ZIPPERER: I'm not aware
5 of that.

6 REPRESENTATIVE ZAMARRIPA: Because
7 they did indicate in their testimony that we would
8 go over it later.

9 CHAIRMAN ZIPPERER: Perhaps we can
10 ask if they can, and we'll see if they can speak
11 to that. But I'm not aware that they had intended
12 to do so, But I appreciate you bringing it to my
13 attention.

14 REPRESENTATIVE ZAMARRIPA: Thank
15 you. It's the amendment directly regarding my
16 district as well as the 9th District.

17 CHAIRMAN ZIPPERER: Okay. Thank
18 you. Congressman Obey.

19 MR. OBEY: Thank you, Mr. Chairman.
20 I'm happy to be here. I had a lot better luck
21 getting into this building today than I did a few
22 months ago. I couldn't help but think as I've
23 been sitting here how lucky you are and how lucky
24 I've been. We are all public servants, and
25 whether you have served in the legislative

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1 capacity for 48 years, as I did, or whether you
2 have served just a few months in your first term,
3 we've all been very privileged.

4 And I was reminded of that when I heard the
5 last conversation because that last conversation
6 was directed almost solely at the question of what
7 can be done rather than what should be done, and I
8 would hope that as legislators we would recognize
9 that if the courts demonstrate a certain degree of
10 restraint in reviewing the actions of legislative
11 bodies, I would hope that the legislative bodies
12 would demonstrate that same restraint in deciding
13 something as basic as how these lines are going to
14 impact people's ability to cast a meaningful vote
15 in elections, whether it be for state legislature
16 or whether it be for congress itself.

17 My wife spent a whole lot more time raising
18 my boys than I did. Anybody in politics
19 understands the burdens of a spouse. She told our
20 boys a long time ago that there's a big difference
21 between what you can do and what you ought to do,
22 and I hope that this legislature will keep that in
23 mind as they deal with this issue. I have been
24 dealing with reapportionment since I was in the
25 assembly in 1964.

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1 I was deeply involved after I went to
2 congress in '72, '82, '92 and 2002 in helping to
3 work out the redistricting issues, and I regret to
4 say that if the congressional redistricting
5 program which is before the legislature today, if
6 that package passes, we will be an embarrassment
7 to the reputation of good government in Wisconsin.

8 As you know, every ten years the courts
9 require district lines to be redrawn. There are
10 five problems that I see with the congressional
11 plan that's being presented. First of all, courts
12 have established a number of criteria that are
13 desirable in determining what happens with these
14 maps. The first is obviously equality of
15 population. The second is fairness to minorities,
16 but they also encourage respect for municipal
17 boundaries and for communities of interest and for
18 contiguity.

19 And the very process by which this is being
20 considered turns that process on its head by
21 essentially saying to localities that have gone
22 through a great deal of redistricting activity
23 already that they're just going to have to go back
24 and do a whole lot of that all over again. I
25 don't think that demonstrates much respect of the

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1 responsibilities of local government.

2 I think, rather, it is more to be seen as a
3 raw manipulation of power in defiance of the
4 public interest, and in my judgment this package
5 is designed to promote the interests of incumbent
6 politicians at the expense of the public interest.
7 Under the new census each district is supposed to
8 be 710,873 people. In most cases these districts
9 can be adjusted by making very modest adjustments
10 in their existing lines. Example, the 6th
11 District, Congressman Petri, all it needs to do to
12 be in compliance is to add 5,700 people.

13 The 5th District, Mr. Sensenbrenner's, all it
14 needs to be in compliance is to add 3,300 people.
15 The 1st District, Mr. Ryan's, all it needs is to
16 add 17,000 people. The 7th, my old stomping
17 ground, all it needs to be in compliance is
18 21,000; and in the third district, the same with
19 19,000. But because of the blatant
20 gerrymandering, this plan unnecessarily disrupts
21 hundreds of thousands of people.

22 Example, if you take a look at the 8th
23 District, the Green Bay district in the northeast,
24 it needs only about 4,000 people to be in
25 compliance, but more than 80,000 people are moved

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1 around in order to accomplish these new lines. If
2 you take a look at the 3rd and the 7th, all that
3 you really have to do to equalize population
4 between those two districts is to put all of Clark
5 County into the 7th District. It's bounced back
6 and forth for years between those two districts.

7 Now, admittedly, if you did put all of Clark
8 County in the 7th District, that would make that
9 district modestly more Republican, but that is
10 something that would occur on the natural, not due
11 to manipulation. Instead what has happened is
12 that the southwestern Mississippi District, the
13 3rd District, under this plan snakes its way up
14 very surgically all the way up into central
15 Wisconsin, slicing off Portage County and eastern
16 Wood County, Wisconsin Rapids. That moves a lot
17 of Democrats out of the 7th District. It moves
18 them into the 3rd. It moves about 90,000 people
19 with that little transaction, and then that --
20 that then requires the 7th District in turn to
21 reach all the way down from Superior to Juneau
22 County, two-thirds the length of the state,
23 creating that ridiculous little appendage that you
24 will see on the map that is attached to the 3rd
25 District.

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1 The impact of that is clearly partisan, and
2 then there's another tricky little gimmick that is
3 also produced. As you know, Pat Kreitlow is a
4 declared candidate in the 7th District running
5 against Mr. Duffy. Mr. Ryan went to great length
6 to point out, oh, we didn't take Kreitlow's house
7 out of the district, but they came within
8 six-tenths of the mile of doing that. And what
9 they did was to simply strip away Mr. Kreitlow's
10 basic political base.

11 That, in essence, has created a situation
12 where Mr. Duffy can effectively run away from his
13 opponent without publicly appearing to be doing
14 so. I don't think that's a healthy development,
15 and I don't think that that will add to the
16 credibility of the legislative process in this or
17 any other endeavor.

18 A third problem. We've seen in academia and
19 we've seen in the press a good deal of commentary
20 about how reapportionment through the years has
21 made the House of Representatives more partisan
22 and more polarized, and I regret to say that
23 that's true. And this will add to that process.
24 It will double the Democratic advantage in the 3rd
25 Congressional District, Mr. Kind's district. It

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1 will make the 2nd District, Tammy Baldwin's
2 district, even more Democratic than it is today.
3 It will increase the Republican bias in the 1st
4 District by almost double what it was in the last
5 reapportionment election.

6 The fourth problem is that if you are
7 campaigning in the 7th District, it will make
8 campaigning immensely more expensive. Right now
9 if you run in the 7th District, you will buy La
10 Crosse television, you will buy Duluth television,
11 you will buy Eau Claire television. But under
12 this package you are also going to have to buy La
13 Crosse television and buy Minneapolis television.
14 That's hugely expensive. That may be
15 constitutional, but it ain't right. And it's not
16 healthy, and it favors an incumbent because
17 incumbents almost always raise more money or can
18 almost always raise more money than challengers.

19 Fifth, it obliterates communities of
20 interest. We heard here this morning how
21 communities of interest are a legitimate
22 consideration in drawing these lines. The 3rd
23 District has always been a Mississippi River
24 district. The 7th District has always been a
25 Wisconsin River Valley district. This map blows

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1 both of those to smithereens. For over a century,
2 Lincoln, Marathon, Wood and Portage have been in
3 the same congressional district. Even the
4 athletic conferences represent one unit.

5 when Elroy Hirsch used to play football for
6 Wausau High before he went to Wisconsin, he played
7 against Stevens Point, Wisconsin Rapids,
8 Marshfield, Merrill and the like. Governor
9 Dreyfus, when he was governor, he talked often
10 about his concept of rural-plex, and he urged
11 Marathon, Wood and Portage Counties to think as
12 one economic unit rather than competing against
13 each other. He urged them to think about their
14 commonality rather than what made them different.
15 He was right then, and I think that's right today.

16 so we've heard a lot of talk about what may
17 be legal. I don't know what's legal. All I know
18 is that the Court has the obligation to determine
19 what is legal, but legislators have an obligation
20 to determine what is right. And sometimes there
21 is a very big difference, and I hope that you
22 demonstrate that understanding and that knowledge
23 when you move ahead.

24 CHAIRMAN ZIPPERER: Thank you for
25 coming, Congressman. Are there any questions?

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1 Senator Erpenbach.

2 SENATOR ERPENBACH: Thanks for
3 testifying. You've been involved in a lot of
4 maps. What was -- what was the process like when
5 you were involved in it? How did it work?

6 MR. OBEY: Well, the first time was
7 when I was a freshman in the congress, and the
8 congressional delegation asked Congressman Bill
9 Steiger, Republican from Oshkosh, and me to try to
10 work out a map to consider for legislature's
11 consideration. So Bill and I sat down. We were
12 good friends. We'd gone to college together. He
13 was my second best friend. Back in those days you
14 had friends across the aisle, believe it or not,
15 and he was a terrific legislator.

16 So we sat down, and we decided rather than
17 trying to sit down and draw a common map, Bill
18 suggested that we both draw a separate map what we
19 thought would be fair for the other party. Now,
20 that was complicated by the fact we were losing a
21 seat, and so what happened is Bill drew up his
22 plan. I draw up the plan what I thought made
23 sense. We then met in his office. We turned the
24 plan right side up, and they were virtually
25 identical except I had put Barron County in the

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1 3rd District. And he had put Chippewa -- instead
2 of Chippewa, and he had put Chippewa in the 3rd
3 instead of Barron, and the numbers worked better
4 by putting Chippewa in the 7th. So that's what we
5 did.

6 But before we started we had an understanding
7 that we would not try to do with a pencil or a pen
8 or a hand calculator. We didn't have computers in
9 those days. We determined we would not try to do
10 it with a calculator what we couldn't get done at
11 the voting booth and that we would not try to tip
12 districts to one advantage or another. We would
13 basically play it straight.

14 In the end what happened in '72 is my
15 district was essentially eliminated. We lost a
16 seat, so the eastern part of my district went over
17 to the 8th. The southern part went to Petri.
18 The southwest part went elsewhere, and we were
19 left with a 50/50 district. And Alvin Okowski and
20 I had it out, but we submitted that to the
21 legislature, and it was -- it was controversial.
22 It survived by one vote. The principal objection
23 to it was some people in Manitowoc County who
24 didn't want to leave the 8th District, and that
25 was the process.

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1 In the next four iterations Jim Sensenbrenner
2 and I sat down and tried to represent each caucus,
3 and then we submitted it here the last time
4 around. We had a long roadblock from Chuck Chvala
5 before the bill finally was considered. But the
6 process was basically that we tried as much as
7 possible simply to jimmy the numbers; and if you
8 ask Paul Ryan, I think he will be honest enough to
9 tell you that he was very suspicious of me when we
10 started because he thought I was going to be out
11 to omit. And when we drafted -- it was
12 complicated in the southeastern part of the state
13 in the 1st District because you have large
14 populations in a lot of municipalities.

15 And after he saw the changes that we were
16 recommending, he said to me, he said, "Dave, I
17 thought you'd be out to get me. I understand
18 you're playing it straight." And he was playing
19 it straight, and Sensenbrenner was playing it
20 straight. And that's the way we went about it,
21 but, I mean, it did not produce any high comfort
22 level on my part. I mean, I survived for 42 years
23 in 51 percent Democratic district.

24 And Ron Kind's district was marginal in the
25 beginning. It's becoming more Democratic now, and

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1 some of these districts you cannot avoid being
2 topsided. There are just a lot of Republicans in
3 the Fox River Valley, for instance, and there are
4 a lot of Republicans in Waukesha, and there are a
5 lot of Democrats in Milwaukee. So you can't avoid
6 some of that, but it is not good for the House.
7 It is not good for the country if we continue to
8 produce more and more safe districts and fewer and
9 fewer competitive districts. And this will add to
10 that process.

11 I have always had a mixed opinion on whether
12 legislature should undertake this job or whether
13 it should be turned over to the citizen
14 commission. And as long as we've had divided
15 government, I thought, well, I'll play it flat or
16 play it round. I don't -- as long as you've got
17 the parties to keep each other honest, maybe it
18 makes sense to have a state legislature continue
19 to draw these lines, but I think around the
20 country what the pattern shows is when you have
21 one-party government, that the majority party goes
22 nuts.

23 And what they do is they determine that
24 they're going to do what's good for their party,
25 and I think what that means is that you ought to

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1 have -- at least when you have one-party control,
2 you ought to have citizen commission drawing these
3 lines or at least as they do in some states, have
4 them initially draw a map and then submit it to
5 the legislature so there is some objective
6 standard by which to judge the actions of the
7 legislature.

8 SENATOR ERPENBACH: Two more quick
9 questions. Do you know if the congressional
10 Democrats had any input on this new congressional
11 map at all?

12 MR. OBEY: All I can tell you is
13 when I was told by the Democrats what was going
14 on, they said that they attempted to have some
15 consideration given to alternatives and were told
16 no say.

17 SENATOR ERPENBACH: So they didn't
18 have any input at all. Okay. Last question. At
19 least I saw the congressional map in -- I think it
20 was in the Journal Sentinel was the first time I
21 saw it, a rough cut of it. We saw the official
22 legislative map on Friday afternoon, late Friday
23 afternoon. Here we are on a Wednesday. We're
24 going to be voting on it out of committee before
25 next Tuesday because we're on the floor next

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1 Tuesday with it. Have you ever seen a map pass
2 that quickly?

3 MR. OBEY: I sure can't remember
4 one for someone that's been around 50 years.

5 SENATOR ERPENBACH: I should ask
6 Fred. Fred, have you ever seen a map -- all
7 right. Thanks.

8 CHAIRMAN ZIPPERER: Representative
9 Danou.

10 REPRESENTATIVE DANOU: Real
11 briefly, most of what I was going to ask has been
12 covered, and let me just say it's been an honor to
13 hear from you. You were my congressmen virtually
14 the whole time I grew up in Marshfield so --

15 MR. OBEY: I'm sorry about that.

16 REPRESENTATIVE DANOU: Is this in
17 your opinion the most partisan map you've seen in
18 the history in your dealing with politics?

19 MR. OBEY: No, I can't say that it
20 is, but I can say it certainly is partisan. And
21 it isn't just partisan. It also adds to the
22 polarization, and for God's sake, with all that's
23 going on in this country now, with the needless
24 fight over the debt ceiling, with the fights that
25 we've had here in this legislature, does this

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1 country really need to be made more polarized?

2 That's what's happening with this plan, and
3 it's happening with other plans around the
4 country. And somebody's got to step in and say,
5 "Hey, for the good of the country, we need to
6 restore more competition." And as I said earlier,
7 if I can survive for 42 years in a 51 percent
8 district, I have very little patience with people
9 who say, "Oh, my God, I can't vote with Obey
10 because I might get an opponent district or I
11 might be cut down to 65 percent." People don't
12 cast meaningful votes when you have numbers like
13 that.

14 REPRESENTATIVE DANOU: Thank you.

15 CHAIRMAN ZIPPERER: Thank you.

16 MR. OBEY: Thank you very much. I
17 appreciate your courtesy.

18 CHAIRMAN ZIPPERER: To answer I
19 think the question that was presented over here, I
20 believe the last time, at least to my
21 recollection, the legislature passed and the
22 governor signed a map that was enacted into law
23 was in the 1983 session when Governor Earl was
24 governor.

25 There was on July 11th SSAB1 was introduced

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1 by the committee on assembly or at the request of
2 Governor Earl. That same day a public hearing was
3 held on the committee on elections. That same day
4 an executive session was held. It was placed upon
5 the assembly calendar the next day. The assembly
6 took it up on the following day and voted on it at
7 2:45 a.m. that same week, on the 14th.

8 So that was the last time the legislature had
9 passed. I believe the senate also passed it that
10 same day, and the governor signed it on the 15th.
11 It was four days after it was introduced.

12 Next up we have Zeus Rodriguez, Hispanics for
13 Leadership.

14 REPRESENTATIVE ZAMARRIPA: I
15 believe Zeus had to leave.

16 CHAIRMAN ZIPPERER: I think he may
17 have submitted something, so maybe we'll just
18 share that with committee members. Thank you. I
19 guess on that point, we've gone on a bit here with
20 the first couple, and I don't plan to limit
21 testimony today. But as we go forward, if
22 something that has been said before, if you can
23 avoid trying to say it again and expedite the
24 process as best we can, obviously we want to make
25 sure everybody has the opportunity to be heard and

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1 questions to be answered, but we also want to make
2 sure everybody doesn't have to wait all day so
3 that we have situations like this where
4 individuals have to leave.

5 So I guess we'll go next to Manny Perez
6 representing Hispanic Republicans speaking in
7 favor. Welcome.

8 MR. PEREZ: Thank you. Good
9 afternoon, everybody. Good to see everybody.
10 Good to see everybody again. I am here to speak
11 in favor of the 60.5/54 redistricting map for
12 Milwaukee south side. It is quite remarkable
13 after hearing all of the different comments to see
14 the Hispanic community coming in in a bipartisan
15 manner, many community leaders getting together in
16 arriving at an agreement of supporting the 60 and
17 54.

18 Let me just backtrack a little bit to share
19 with you why I'm strongly in support of that and
20 why I endorse it so strongly. I'm here as a
21 former business owner in the Milwaukee south side
22 where I owned part of the building, also as a
23 chair of the Hispanic Republicans for the State of
24 Wisconsin, and also as a former secretary of
25 workforce Development in that in my tenure I was a

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1 person in charge of implementing programs and
2 techniques across the State of Wisconsin to fill
3 6,000 jobs per month in the first four months of
4 the year, so it shows I have a strong pulse in the
5 local communities and particularly the Milwaukee
6 south side.

7 It is very essential, and you saw the
8 employment numbers for May. You saw the national
9 employment numbers for June, and you're probably
10 going to see that reflected when the next
11 employment numbers are going to come out at the
12 end of this week for the State of Wisconsin. The
13 bottom line, as the governor indicated a couple of
14 weeks ago, is that economic development and
15 workforce development in the State of Wisconsin is
16 likely to be needed to be accelerated even more so
17 just to counter the effects of the national
18 economy on the State of Wisconsin.

19 As a result, it is wonderful to see how the
20 Hispanic community has gone from differing
21 individuals across the political spectrum to agree
22 in being proactive, as of two months ago, getting
23 together, discussing, and I'm sure they had to
24 hash out a lot of different opinions. But there
25 is a strong community support for the 60/54 person

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1 redistricting that allows majority, but at the
2 same time we need leaders that are very sensitive
3 and that are very strongly committed to action
4 plans in terms of economic development and
5 workforce development and at the same time being
6 sensitive to the needs of all the communities that
7 are not the majority in that specific community.

8 One of the positions would need to be filled.
9 I believe that it is vacant right now, so we need
10 to move fairly quickly to move into the electoral
11 process for that, I believe towards November. But
12 at the same time it really shows the strong
13 approach the Hispanic community is taking in terms
14 of driving economic development and workforce
15 development at a local community, Milwaukee south
16 side of which we need those leaders to be heavily
17 engaged and very strongly committed to achieve
18 results.

19 So while it may not be perfect, but there is
20 strong support. I believe Zeus, who has been --
21 took the leadership to get everybody organized,
22 has submitted a document indicating different
23 community leaders and different individuals who
24 are in support of that, and I'm just very happy to
25 see that because we really need to move forward.

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1 Let me end on that, and I enjoy very much seeing
2 everybody again. Let me open up for a couple of
3 questions if any of you have a couple of them,
4 okay? Thank you. Muchas gracias.

5 CHAIRMAN ZIPPERER: Thank you for
6 your comments. I believe you're speaking to the
7 district that Representative Zamarripa was
8 discussing before. I understand that during your
9 testimony the two gentlemen that lead us off here
10 today kind of touched on the districts.

11 Maybe didn't get into the detail that you
12 were hoping to, but maybe we can discuss some of
13 that now. And I'm sure they would be more than
14 happy to discuss kind of the details with you one
15 on one at another point just to respond to that
16 question from earlier. Do you want to be
17 recognized?

18 REPRESENTATIVE ZAMARRIPA: Thank
19 you, Mr. Perez, for coming out to testify today.
20 It looks like -- you know, this has moved so
21 quickly; and, again, I know my colleagues have
22 echoed this, but I just became aware and was able
23 to see the maps Friday afternoon. And today is
24 Wednesday, so it's moving quickly. And I feel
25 that I think that my Latino community hasn't had

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1 the opportunity to offer the input that I think
2 that they deserve to offer us.

3 But it's -- and it's interesting that you're
4 happy to hear about a bipartisan effort. As chair
5 -- and I think all my colleagues here know that I
6 truly have tried to reach across the aisle and
7 meet one on one with many of my Republican
8 colleagues since I was moderated on January 3rd,
9 but in this case I just wanted you to elaborate
10 more on a bipartisan effort. I'm the only Latino
11 in the Wisconsin State Legislature.

12 And you as a chair of the Hispanic
13 Republicans, a true bipartisan effort, I would
14 think you would have come to me and sit down with
15 me. When were you made aware of the maps and why
16 not a meeting with the only Latino --

17 MR. PEREZ: I was invited to
18 participate in the process through Zeus Rodriguez
19 about two months ago. As I was leaving the
20 secretary position at that time, I decided not to
21 engage in the process directly. But when you have
22 individuals such as Gregorio Montoto (phonetic)
23 and Beto Ariel (phonetic) and different
24 individuals supporting the 60/54 percentage, you
25 know, Gregorio is Democrat, and so you can see the

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1 examples support from the different community
2 leaders.

3 In regards to the process in the legislature,
4 I'm not very much aware of that. I am acting
5 right now as a chair of the GOP. My participation
6 here representing Hispanic Republicans as of three
7 years ago, when I first became chair, I
8 established the protocol that any Hispanic issues
9 going through, you know, through any of the
10 processes in the State of Wisconsin need to pass
11 through the portion of the Hispanic chair. I
12 couldn't do that when I was a secretary because I
13 had to maintain both things separate.

14 REPRESENTATIVE ZAMARRIPA: But
15 you're saying that you were aware, and you were
16 able to view the maps two months ago?

17 MR. PEREZ: No, no, I didn't see
18 the maps two months ago, just very much aware. I
19 was interested in obtaining the information as to
20 what is the community support. That is where I
21 got involved, and they indicated we have support
22 for the 60/54 redistricting map.

23 REPRESENTATIVE ZAMARRIPA: And a
24 couple more follow-up questions, Mr. Chair. Thank
25 you. 60/54, those are numbers --

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1 MR. PEREZ: 60.5, I believe.

2 REPRESENTATIVE ZAMARRIPA: I'm
3 sorry?

4 MR. PEREZ: 60.5/54.

5 REPRESENTATIVE ZAMARRIPA: Those
6 are numbers I don't have, and, again, I think it's
7 because the process is moving along so quickly. I
8 don't even have that information. Are you aware
9 that that's a -- is that a voting-age population?

10 MR. PEREZ: Yeah, it's a part of
11 the numbers reflected on this --

12 REPRESENTATIVE ZAMARRIPA: Yep,
13 that's how quickly the process has moved that I
14 wasn't made aware, so I appreciate you letting us
15 know that today. But I do again want to stress,
16 and I'm glad that you have -- you mentioned Mr.
17 Montoto. But a truly bipartisan effort would have
18 included calling your only Latino in the Wisconsin
19 State Legislature. Do you agree with that?

20 MR. PEREZ: I think that would
21 probably be a question that would be best answered
22 by Zeus because I believe he was the one that was
23 leading all the effort and opening it up for
24 everybody, and I do believe -- you know, have you
25 been in communication with him?

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REPRESENTATIVE ZAMARRIPA:

Yesterday he called me, not two months -- you said that you started to convene two months ago. So I just want to point out that I am interested in a bipartisan effort. I'm telling you that as a Democrat, and I hope that you'll take that away with you, and perhaps we can meet again soon.

MR. PEREZ: We can follow up our conversation.

REPRESENTATIVE ZAMARRIPA: Around something so crucial regarding our Latino community, it does, you're right, have to be truly a bipartisan effort.

MR. PEREZ: To me the issue of reducing poverty really is not blue or is not red. The issue of poverty and reducing poverty, which is our challenge through economic development, better jobs, better paying jobs for individuals, really has one face, and the face is hunger, despair and lack of opportunity.

So I'm glad to see the Hispanic community converging together and being proactive in agreeing on this because there are too many issues to be tackled, so thank you. Certainly a conversation to be had, and I'll be glad to follow

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1 up with you on that.

2 REPRESENTATIVE ZAMARRIPA: Thank
3 you, Mr. Perez. I just have another follow-up
4 question; and, again, it sounds like there was a
5 beginning of a converging but not sufficient
6 enough. Again, I'm the only Latino in the state
7 legislature. I would have very much appreciated
8 sitting down with the chair of the Hispanic
9 Republican leaders.

10 MR. PEREZ: Certainly. We will
11 follow up and make sure that we communicate.

12 REPRESENTATIVE ZAMARRIPA: Because
13 what I could have done is shed some light on the
14 fact that, yes, although that with the maps that
15 you're referring to, we do have two Latino
16 majority assembly districts. There was potential
17 to have a Latino influenced senate district so --

18 MR. PEREZ: Correct, it could not
19 get to 45 percent. That's my understanding.

20 REPRESENTATIVE ZAMARRIPA: We could
21 have gone over 50 percent, and a truly bipartisan
22 effort, sitting down together, I could have shed
23 some light on that for you. And I feel that
24 certainly it's important to have these two Latino
25 majority assembly districts, but we are remiss

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1 because there was an opportunity to create a
2 Latino influenced senate district. And we have
3 missed that opportunity.

4 MR. PEREZ: well, let's -- may I
5 propose that let's follow up, you and I, so that
6 we maintain bridges of communications and move
7 forward.

8 REPRESENTATIVE ZAMARRIPA: Can I
9 ask, do you know, will the Republican party
10 entertain an opportunity to create a Latino senate
11 influenced district?

12 MR. PEREZ: Let's get together, you
13 and I, to get the details from you.

14 CHAIRMAN ZIPPERER: If we could
15 please maintain respect for the individual
16 speaking.

17 MR. PEREZ: First of all, very
18 clearly is to show support for the 60/54 percent.
19 Certainly I'm very willing to open up
20 communications with you and myself, as chair of
21 the GOP, and let's determine, and I have to look
22 at all of the facts before I can commit to
23 something or before I can say, well, okay, let me
24 spearhead these initiatives.

25 REPRESENTATIVE ZAMARRIPA:

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1 Absolutely, I'll sit down with you, but, again, I
2 agree with you, we should know all of the facts in
3 front of us before this, you know, before we rush
4 through a process that has a little public input.
5 You know, I represent the 8th Assembly District,
6 which is on the near north side of the City of the
7 Milwaukee, as you know.

8 I represent a lot of working people, like you
9 said, folks that are struggling to lift themselves
10 up out of poverty. It's not particularly an easy
11 thing, too, in the span of 72 hours to come to the
12 capitol to testify.

13 People just aren't in that position in the
14 way that you are, so I feel that the average
15 Latino in my 8th Assembly District or
16 representatives of the 9th Assembly District, I
17 don't think they could have made it. In fact, I
18 know. I'm looking, and I don't see any of my
19 constituents here today.

20 MR. PEREZ: Well, certainly take
21 that as a lesson learned so that we follow up, you
22 and I, to get together.

23 REPRESENTATIVE ZAMARRIPA: Thank
24 you, Mr. Perez.

25 CHAIRMAN ZIPPERER: Representative

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1 Bewley.

2 REPRESENTATIVE BEWLEY: Thank you.
3 Thank you, Mr. Perez. I do need to follow up
4 because frankly I'm somewhat stunned at this point
5 that an elected representative did not have access
6 to the level of input in redistricting maps that
7 you did as a Republican leader in your community;
8 is that accurate?

9 MR. PEREZ: No, I have not seen the
10 maps. I know the percentages, and so I asked -- I
11 asked the group where is -- what percentage is the
12 community -- people in the community supporting.
13 Indicated we have support for the 60/54
14 redistricting. I said, "Okay."

15 REPRESENTATIVE BEWLEY: But it
16 seems to me that you said you were involved in
17 this as of two months ago.

18 MR. PEREZ: I was invited to
19 participate.

20 REPRESENTATIVE BEWLEY: And who
21 invited you?

22 MR. PEREZ: Zeus Rodriguez.

23 REPRESENTATIVE BEWLEY: And what is
24 his level of involvement?

25 MR. PEREZ: He is the individual

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1 who moved everybody working together from both
2 Democrat side and Republican side to work together
3 towards the redistricting.

4 REPRESENTATIVE BEWLEY: Frankly,
5 I'm stunned that you're willing to admit this,
6 that you were working on this project --

7 MR. PEREZ: No, I was not -- I was
8 not working. I was invited to, but I declined. I
9 declined because I indicated at the time, "I'm
10 just leaving the secretary position so that it
11 would be fair that I not mix one thing with
12 another. You guys participate, consult with me as
13 things move forward."

14 REPRESENTATIVE BEWLEY: And why
15 would they consult with you?

16 MR. PEREZ: I am the Hispanic
17 Republican -- chair of the Hispanic Republicans,
18 and therefore --

19 CHAIRMAN ZIPPERER: You are chair
20 of the Hispanic Republicans and --

21 MR. PEREZ: And I have a business
22 on the south side of Milwaukee as well.

23 REPRESENTATIVE BEWLEY: I think I
24 need to ask you --

25 CHAIRMAN ZIPPERER: Representative,

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1 I think one thing needs to be clarified.

2 Mr. Rodriguez, it's your understanding, was
3 working with the Hispanic organization, was not
4 working necessarily with Republican leadership or
5 any Republican official. He was working with the
6 Hispanic community in that neighborhood.

7 MR. PEREZ: That's correct, with
8 everybody.

9 CHAIRMAN ZIPPERER: And that's what
10 you were asked to participate in. Thank you. Are
11 there any further questions from the committee
12 members? Thank you.

13 MR. PEREZ: Thank you.

14 CHAIRMAN ZIPPERER: Up next we have
15 Senator Jauch, and then in order to expedite
16 things, I'll start announcing who's on deck so you
17 can get prepared. So up next will be Bob
18 Spindell. Up first, Senator Jauch speaking
19 against. Welcome, Senator.

20 SENATOR JAUCH: Thank you very
21 much, Mr. Chair. I appreciate the opportunity to
22 testify. I wish all of the citizens would have
23 the opportunity to evaluate this map, which is a
24 highly partisan -- drafted for partisan purposes,
25 defies Wisconsin's traditions because the average

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1 citizen looking at this map would reach the same
2 conclusion. It is not designed for the people.
3 It is designed for the partisans, and it is wrong.

4 I've always believed -- I've been in the
5 legislature for 29 years, and I've represented a
6 district that is known as a Democratic district.
7 But, in fact, the last 50 years it's been
8 represented almost, for 21 of those 50 years, by
9 Republicans. It can be a very competitive
10 district. The assembly district that
11 Representative Bewley holds has been represented
12 by Republicans. Competition is healthy for the
13 public. Strict partisanship is bad for our
14 democracy. It's bad for our state.

15 One might wonder why I'm testifying in
16 opposition to a plan that makes my district more
17 Democratic. It's because it's wrong. It's wrong
18 for the citizens of northern Wisconsin, many of
19 whom will be disenfranchised as a result of this
20 decision. In the 29 years that I have served,
21 there's always been my belief that we have a
22 responsibility to make decisions that are in the
23 best interest, not for us as politicians, but are
24 in the best interest to the public, decisions that
25 will be honored by history and revered for our

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1 respect for tradition. This plan does neither.

2 I've also believed that we are caretakers of
3 a public trust. I often said when I was the
4 Democratic leader that my first responsibility is
5 not to win elections but it is to assure that the
6 public will trust the institution long after I
7 leave this institution. That's our
8 responsibility. The fact of the matter is the
9 Republicans who drafted this plan and those who
10 will vote for it are acting as undertakers and are
11 burying that public trust. That is not the way
12 any of us should want to be revered or looked at
13 in history.

14 In the governor's conference room it says,
15 "The will of the people is the law of the land."
16 Frankly, this bill is an indicator of how little
17 the Republicans understand or respect the citizens
18 of Wisconsin. Next week we will consider what is
19 known as another extraordinary session. Frankly,
20 what would be extraordinary is if this legislature
21 would consider responsible legislation that serves
22 the citizens instead of partisan interests.

23 Republican leaders will try to argue that
24 this plan is legal. The fact of the matter is
25 that the plan is blind to the truth. It is

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1 blatantly partisan. It is not right. It is not
2 fair. It disenfranchises thousands of citizens,
3 divides communities of interests and is an insult
4 to the citizens of Wisconsin. It defies
5 Wisconsin's tradition of good government.

6 Community of interest. Look at this map. I
7 will speak to the community of interest in
8 northern Wisconsin. I dare anyone to tell me that
9 community of interest is being served in northern
10 Wisconsin with a map in which the largest city,
11 Superior, is 165 miles from the smallest community
12 in Ogema. Ogema is 68 miles from Wausau. It is
13 now 165 miles from the largest city in the
14 district.

15 No one can argue -- no one in their right
16 mind can argue that the 25th senate district is
17 compact. A third grader could have done a better
18 job of drafting the lines. The 25th senate
19 District has included Sawyer County, a Republican
20 county, generally votes about 58 percent
21 Republican, 42 percent Democrat. They have been
22 part of that district for a half a century, for 50
23 years.

24 Hayward in that district in Sawyer County is
25 60 miles from Superior. It is now a hundred --

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1 about 140 miles from Wausau, and it is in the
2 Wausau district. Lac Courte Oreilles is one of
3 four tribes in the 25th Senate District. It is
4 now taken out of the 25th Senate District, a place
5 that it has been for 50 years, and it is connected
6 to Wausau. Lac Courte Oreilles is approximately
7 35, 40 miles away from the St. Croix band of
8 Chippewa Indians, approximately 60 miles from the
9 Bad River, 70 from the Bad River band of Chippewa
10 Indians, and about 75 miles from the Red Cliff
11 band of Chippewa reservations. It is in seated
12 territory. Wausau is not.

13 25th Senate District, we face some unusual
14 challenges, and I think we all recognize that the
15 boundaries have to be adjusted; but when you --
16 and it's particularly challenging in northern
17 Wisconsin where the boundaries on the east and
18 west are respectively Minnesota, Michigan, and to
19 the north it is Lake Superior. So you're pretty
20 much required to move south.

21 The 25th Senate District needed to add 7,000
22 -- approximately 7,200 -- 9,787, excuse me,
23 citizens. The 10th District had to lose 10,000,
24 and Senator Galloway's district had to gain about
25 5,000 or 5,200. Adjustments had to be made. This

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1 plan moves 27,000 citizens. That's not
2 defensible, it's just not justified, and it's not
3 fair to those citizens.

4 Now, had I -- I was anticipating what a fair
5 map would look like, and frankly a fair map would
6 have adjusted the 25th senate district by moving
7 more into Burnett County, maybe into Webster. I'd
8 just go north into Webster now, maybe down into
9 Webster, maybe even Siren. That would have been
10 one possibility. I've never even calculated what
11 the partisan makeup is of that shift. I just know
12 that you have to balance in the interest of
13 respecting the public who lives there. You want
14 to adjust the boundaries in their best interest.

15 So moving further into Burnett County would
16 have made some sense. Moving also into Price
17 County would have made some sense as a an
18 adjustment because I represent Butternut, which is
19 only eight miles from Park Falls and frequently
20 work in Park Falls, so it would have made some
21 sense to move down. But to take Sawyer County out
22 and put them in Senator Galloway's district, the
23 29th District, is done for one reason. It is to
24 make that district more partisan and strengthen
25 the partisan. As a result, Price County is more

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1 Democratic than Sawyer County, strengthening the
2 partisan constituency in northern Wisconsin.

3 It is simply not fair. It is not right. And
4 think about this for a minute, for those of you
5 who -- I know Zipperer's got a fairly compact
6 district. I don't know if you go 30 miles from
7 one end to the other in your district. If there
8 is a meeting in Superior and there's a meeting in
9 Ogema, that's a 320-mile roundtrip. Makes it
10 harder and harder for anyone, whether it's me or
11 anyone, to properly represent a district that is
12 spreading that far, and so there was a better way
13 to do this.

14 And, frankly, this is a plan that is so
15 typical of the way this legislature is undoing the
16 makeup of Wisconsin. It's hard to recognize
17 Wisconsin these days. It didn't have to be this
18 way. Could have made it a stronger. It could
19 have strengthened interests without completely
20 rewrite -- creating Republican territories within
21 the State of Wisconsin so that now Wisconsin's
22 going to be defined as blue and red. That's how
23 we look at our map of Wisconsin.

24 But people expect more from us, and I
25 frankly, Mr. Chair, have great respect for you. I

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1 don't think you wrote this plan. It was drafted
2 by others. It's now in your committee. I don't
3 expect any changes. The public is going to be
4 forced to accept it, and we're going to have to
5 hope that the Court will realize that it is not
6 impartial. It is not fair. It defies the
7 Wisconsin -- it defiles the Wisconsin we know and
8 care about.

9 CHAIRMAN ZIPPERER: Any questions
10 for the senator? Representative Danou.

11 REPRESENTATIVE DANOU: Real
12 briefly, Senator, I guess, and I'll ask you this,
13 if my opinion on this is correct. It essentially
14 creates a map that really places instead of
15 loyalty to the place and the constituents, it
16 replaces loyalty to the party with the way you
17 define your district as opposed to, say, loyalty
18 to northern Wisconsin or loyalty to western
19 Wisconsin. Instead it's loyalty to the party base
20 that elected you. Would that be a correct
21 assessment?

22 SENATOR JAUCH: It absolutely is
23 correct that citizens are now viewed as partisan
24 voters, and therefore representative democracy is
25 truly -- Hayward and Sawyer County have shared

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1 interests with Ashland and Bayfield County.
2 They're in the same vocational district. Sawyer
3 County is now put in the Wausau vocational
4 district. It doesn't make any sense at all.

5 They didn't have to be taken out. Should
6 not. They have common interests. They have
7 shared traditions. They have shared economic --
8 socioeconomic challenges. The socioeconomic
9 issues in Sawyer County are vastly different than
10 those in Marathon County, vastly different, and it
11 simply should not be shifted.

12 CHAIRMAN ZIPPERER: Senator
13 Erpenbach.

14 SENATOR ERPENBACH: Thanks. Bob,
15 you touched on it just a little bit. I remember
16 the reason you coming down to the capitol, to work
17 basically for what's good for far northwestern and
18 northern Wisconsin. Is that going to be
19 interrupted in this with the new map the way it is
20 right now?

21 SENATOR JAUCH: Well, you're
22 referring to Superior Days, which is an event that
23 has occurred for over 25 years in which the
24 community, feeling so isolated from population
25 centers in the political process, began bringing

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1 citizens, 250, 200 citizens up from the north to
2 talk about regional interests.

3 Clearly there is no relationship between
4 southern Price County and Douglas County, Bayfield
5 County, Ashland County and Iron County. There is
6 -- frankly, there is very little with -- but there
7 is plenty with Sawyer County. Sawyer County is an
8 integral part of the economic development
9 strategy, regional development strategy, in
10 northern Wisconsin. And to say that they're now
11 part of Wausau district, it's done for one reason
12 only. It is because they vote Republican.

13 SENATOR ERPENBACH: Last question
14 here. I do admire the fact that, you know, I saw
15 you over the weekend. Admittedly, you said your
16 district got much better if you happen to be a
17 Democrat, but you're here testifying obviously
18 against the process and think that things could be
19 done better.

20 For those of you who can't see Senator
21 Jauch's new district, it's an actual upside-down
22 horseshoe. I've never seen a district shaped like
23 that before; have you?

24 SENATOR JAUCH: No, there's nothing
25 like it. It's not -- and it's not fair and right

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1 to the people who live up there. That's the
2 bottom line.

3 SENATOR ERPENBACH: Thank you.

4 CHAIRMAN ZIPPERER: Representative
5 Bewley.

6 REPRESENTATIVE BEWLEY: Thank you.
7 Senator Jauch, you referred to the fact that Lac
8 Courte Oreilles, where you and I were both at the
9 inauguration of recent tribal leaders, will now be
10 in a totally separate senate district. Can you
11 talk a bit just for those who are -- perhaps are
12 not that familiar with the subtleties, with the
13 intricacies of tribal government's leased land?

14 why is it so important that they -- that they
15 stay clustered, the Chippewa tribes, and not be --
16 why can't they be represented by someone who also
17 represents Wausau?

18 SENATOR JAUCH: It's not that they
19 can't be. They don't have to be. That's the
20 point. Anyone who takes a partisan hat off and
21 redraws the lines to try to shuffle the population
22 shifts would not have come up with that
23 conclusion. Nobody in their right mind. As I
24 said, a third grader could have come up with a
25 better map than that, and you would not take --

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1 you wouldn't shift -- if you have to add 7,000,
2 you find ways to add them.

3 You don't shift 27,000 people to get -- the
4 9,000 -- to get to 9,000. You just didn't have to
5 do it. It was done to have an outcome in the
6 elections; and for the tribe, frankly, it is going
7 to isolate the Lac Courte Oreilles tribe. They
8 have -- they're part of the Great Lakes Fish and
9 wildlife Commission, which is located in Bad
10 River. That has the responsibility of assuring
11 that the Voigt decision is properly followed and
12 is involved in the conservation policies in the
13 State of Wisconsin -- in the seated territory.

14 REPRESENTATIVE BEWLEY: Could you
15 explain seated territory?

16 SENATOR JAUCH: Well, seated
17 territory was part of the Treaty of 1847 -- 1952,
18 I think it was, in which land and rights were
19 exchanged. The rights were exchanged for the
20 tribe -- for the land that was -- they gained
21 rights for -- permanent rights for hunting,
22 fishing, gathering of wild rice in that northern
23 seated territory in exchange for the land back
24 then, and, of course, it resulted in a very
25 controversial decision, the Voigt decision.

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1 There's a culture that you have to respect.
2 Previous speaker was talking about the importance
3 of an Hispanic district. I don't live near
4 Milwaukee. I can't comment about the specifics of
5 what's happening down in Milwaukee, but take his
6 arguments and apply them to the tribal members in
7 Lac Courte Oreilles, because they'll make the same
8 case. And they're right. There is no reason to
9 take them out of the 25th District, none.

10 CHAIRMAN ZIPPERER: Thank you,
11 Senator. Oh, I'm sorry, Representative August.

12 REPRESENTATIVE AUGUST: Thank you,
13 Mr. Chair. Thank you, Senator, for being here
14 today. I just had a quick question for you. I
15 was doing a little bit of math in my head. You
16 said you've been in the legislature for 29 years.

17 SENATOR JAUCH: Yes.

18 REPRESENTATIVE AUGUST: So does
19 that mean you were in the legislature when the
20 1983 maps were passed in four days?

21 SENATOR JAUCH: Actually, to say
22 that it passed in four days, it's a bit of a
23 misnomer because it actually was introduced in the
24 budget, so the maps were around. Now, I don't
25 like reapportionment. I don't like it when

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1 Democrats are in control because it brings out the
2 most selfish side of people and -- really strange,
3 and it happens in a Democratic caucus as well as a
4 Republican caucus, where people who may have a 65,
5 70 percent district will say, "I need another
6 corner to make it a little bit better."

7 It happens in Republican districts too, and
8 this one very clearly is extraordinarily partisan
9 in the way it makes so many homes sale ships. So,
10 yeah, I was here. But it was introduced in the
11 budget, and then it was taken out and passed as a
12 separate bill. So there was a lot longer
13 discussion about reapportionment than the four
14 days in which the bill was introduced and adopted.

15 REPRESENTATIVE AUGUST: Thank you.

16 CHAIRMAN ZIPPERER: Thank you.

17 Senator Risser.

18 SENATOR RISSER: Before we spend
19 too much time talking about the 1970
20 reapportionment, I was here then, and I remember
21 it. And actually the way I remember it, the Court
22 came forth with a plan, and the legislature
23 adjusted that plan. They didn't repeal the plan
24 or redo the whole thing.

25 There was a court-ordered plan, and then two

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1 years later the legislature made some adjustments
2 in the plan. It wasn't a whole reapportionment as
3 such. It was an adjustment, and it was reviewed,
4 as has been mentioned, before the bill was
5 introduced and passed.

6 SENATOR JAUCH: If I can add one
7 more comment about the competitiveness of
8 districts, I believe this is my fourth time to be
9 in the minority in 15 years. There have been a
10 lot of swings from Republicans and Democrats in
11 districts that were written in the last -- in the
12 last reapportionment plan. That's the way this
13 one should have been written too. The public
14 deserve a right to have districts where their
15 voice will assure real accountability for public
16 officials, and this plan is not doing that.

17 CHAIRMAN ZIPPERER: Thank you,
18 Senator. Up next, Bob Spindell; Milwaukee,
19 Wisconsin, speaking in favor. On deck, Senator
20 Coggs. Welcome.

21 MR. SPINDELL: Good afternoon. My
22 name is Bob Spindell. I live in Milwaukee and
23 have lived there for close to 30 years. I am a
24 commissioner of the City of Milwaukee Board of
25 Election Commissioners and have been in that for

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1 around ten years with a four-year break after my
2 first-year term.

3 Today my comments will regard the City of
4 Milwaukee because the City of Milwaukee is what
5 I'm interested in. I'm also vice chair and have
6 been for over 25 years of Career Youth
7 Development, a large social service organization,
8 African-American, in the inner City of Milwaukee.
9 I'm also involved in some Hispanic activities both
10 locally and on a national level.

11 I wish to make it very clear that I am
12 speaking for myself only, and I'm not speaking for
13 the City of Milwaukee Board of Election
14 Commissioners or for Career Youth Development.
15 I've reviewed the districting -- redistricting
16 maps; and while I'm saddened that the population
17 of the City of Milwaukee has declined, I'm happy
18 to see that the new redistricting plans contain
19 and continue the definite five black districts
20 currently occupied with five very strong
21 incumbents.

22 The map also calls for one primarily black
23 district with a little over 50 percent black in
24 that particular district, which I believe a good
25 black candidate could win the primary with the

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1 proper support. On the south side I'm also very
2 happy to see that there are two definite Hispanic
3 districts. One of the districts will also be an
4 open seat, as the extra black district will be.

5 Also, from what I understand, and I don't
6 know where I've heard it or read it in the
7 newspaper, but it appears that maybe in four years
8 there could be an Hispanic senatorial district in
9 that particular area the way that it's arranged
10 now. These two opportunities, an open black seat,
11 an open Hispanic seat, provide great opportunities
12 for these two groups to have the proper
13 representation in the city and the proper
14 leadership in the legislature.

15 while a good incumbent is always hard to
16 beat, especially in a primary, the open seats
17 allow a new opportunity for both communities. It
18 appears that this opportunity came about as the
19 minority legislative districts lost population and
20 had to be added, which pushed the legislatures and
21 the surrounding districts in Milwaukee out into
22 the north and into the west.

23 The legislative districts for the most part
24 also seem to be along the lines of community
25 interest. For example, the north shore suburbs,

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1 wauwatosa, west Allis, I find that often the
2 legislators in these districts that have just a
3 small portion, one or two wards in the City of
4 Milwaukee, really do not have much interest and
5 really do not pay much attention to the City of
6 Milwaukee since the voters there are usually not
7 voting for them, and their main supporters are the
8 north and west suburbs.

9 I saw this with the voting yesterday. As you
10 know, we had a recall election there yesterday.
11 The wards in the middle of the north shore have
12 high turnouts, maybe 30 percent in the City of
13 Milwaukee, but up as you go further south -- or
14 further west, it was only, like, 15 percent, maybe
15 a little bit more. So there's something to be
16 said about having the suburbs of Milwaukee County,
17 especially the north shore, combining with similar
18 cities in other counties in terms of housing,
19 income, rather than trying to share it with the
20 city.

21 The interests between the suburbs and the
22 city are different, and the people that live in
23 the city deserve to be represented by people that
24 are primarily concerned with the city. I think
25 also everybody in the suburbs, surrounding

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1 suburbs, know that for this area to grow and to be
2 successful, it's going to be based on how well the
3 City of Milwaukee does and what happens with the
4 City of Milwaukee.

5 Also, as I said, I'm an election
6 commissioner, and for the last 12, 14 years I've
7 done nothing but go from precinct to precinct,
8 ward to ward in the City of Milwaukee during each
9 election. It's a mess when there's two different
10 ballots there depending on the address when you
11 have two legislators running in the same district.
12 We, the Election Commission, have tried to take
13 steps by having different colored ballots and so
14 forth, but it's still an unnecessary problem to
15 have two people running in the same district. And
16 you have to figure out which address for the voter
17 is which.

18 Therefore, I believe that providing the
19 legislative senate districts first allows the City
20 of Milwaukee Election Commission, which will be
21 the ones to draw these wards, to better be able to
22 work better and have the wards and precincts
23 arranged as I said.

24 So in summary, I'm in favor of the proposed
25 map because it provides for one more

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1 African-American district in the city. It also
2 adds one more Hispanic district in the city. It
3 also in four years could very possibly result in a
4 Hispanic senatorial district. I believe this is
5 important for the best interests of the City of
6 Milwaukee, and I want to thank you for having me
7 here today and listening to my comments.

8 CHAIRMAN ZIPPERER: Thank you for
9 your comments. Representative Danou and then
10 Representative Zamarripa.

11 REPRESENTATIVE DANOU: Just a
12 couple here. I'm just curious where you're coming
13 from. You currently or were a member of the
14 Republican Party of Wisconsin Executive Committee?

15 MR. SPINDELL: Yes, I'm currently,
16 among other things, chairman of the Republican
17 Party of Wisconsin 4th Congressional District.
18 I'm also on the State Executive Committee. I am
19 also an officer of the Hispanic -- the Republican
20 Hispanic National Committee, and also I'm a
21 national assistant treasurer for national officer
22 for the Public and National Hispanic Assembly even
23 though I'm not Hispanic and I don't speak Spanish.

24 REPRESENTATIVE DANOU: You talk
25 about communities of interest. I look at District

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1 10, for instance, and you talk about trying to
2 keep similarly -- communities similar together.
3 You've got a community that stretches from
4 Shorewood into some different kind of areas there
5 at District 10. And I'm wondering how you, you
6 know, based on some of your earlier comments, kind
7 of explain that one.

8 MR. SPINDELL: Well, I think, as
9 you know, as I understand, the minority districts
10 had to expand in terms of population, and there's
11 so far that you can go. Also, I think you could
12 look at Shorewood as intertwined with the
13 University of Wisconsin-Milwaukee. It's right
14 next to it. As I understand, a lot of professors
15 and students live there, so I think there's a lot
16 of related interests between University of
17 Wisconsin-Milwaukee and Shorewood. But I think,
18 you know, you've got to go somewhere, and the lake
19 is about as far as you can go.

20 REPRESENTATIVE DANOU: And just one
21 further follow-up as far as -- is Milwaukee at
22 this point done with their district lines or how
23 is --

24 MR. SPINDELL: I'm sorry, say that
25 again.

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1 REPRESENTATIVE DANOU: Is Milwaukee
2 going to be -- how are these districts being
3 imposed from the State have an impact on the
4 district lines in Milwaukee area right now? So
5 are we essentially dropping these districts on top
6 of the districts you've already drawn or are you
7 finished drawing your lines right now or --

8 MR. SPINDELL: well, I don't know.
9 I have not been involved in the redistricting
10 process. I looked at the maps and had an
11 opportunity to see what they look like. And I do
12 have an interest in making sure that the blacks
13 and the Hispanics are properly represented because
14 I think that's very, very important that the
15 voters in those areas have the opportunity to vote
16 for Hispanic or an African-American if they desire
17 to do so.

18 REPRESENTATIVE DANOU: Thank you.

19 CHAIRMAN ZIPPERER: Representative
20 Zamarripa.

21 REPRESENTATIVE ZAMARRIPA: Thank
22 you, Mr. Chair. Thank you for coming out to
23 testify today. I appreciate your commitment.
24 Sounds like you have a big commitment to
25 communities of color; is that right?

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1 MR. SPINDELL: Thank you.

2 REPRESENTATIVE ZAMARRIPA: But I do
3 want to point out to you, again, I wish there
4 would have been an effort to put an emphasis on
5 communities and not partisanship, and I feel
6 strongly that I didn't have the input. And
7 perhaps that's because I'm a Democrat. I'm not
8 sure. But I feel strongly that -- and you are
9 remiss to say that this creates two extra Latino
10 assembly districts. It sounds like that's what
11 you said, and that's not true.

12 The 8th and the 9th, the 8th is my district.
13 It is a Latino super majority district. The 9th
14 was trending that way. It has already been a
15 Latino-influenced district, and this does give us
16 a larger percentage. But the truth is that you
17 know that Latinos have grown by leaps and bounds
18 here. And we were trending that way anyway. It's
19 almost inevitable. We just grew it. It's not
20 that you created another one. There's not three
21 now.

22 There continues to be two, and I'm glad to
23 hear that they're moving from a majority to a
24 super majority in the 8th and 9th. But we could
25 have had a senate district. We could have had a

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1 Latino senate district with over 50 percent.
2 That's not the case here, so I do have some
3 concerns because you're here testifying and
4 letting me know that you're a member of the
5 Republican Hispanic National Committee.

6 I am the only Latino in the Wisconsin State
7 Legislature. I'm the first Latino in the history
8 of our great state to have been elected to the
9 state legislature. I'm very proud of that, but I
10 just -- not sure why you think that this creates
11 an additional Latino district. It doesn't. In
12 fact, we're very remiss because we need to have a
13 Latino-influenced senate district at the very
14 least, and this doesn't create that.

15 MR. SPINDELL: well, I'm sorry we
16 haven't had a chance to meet yet. I did know
17 Representative Pedro Colon very well, and we have
18 talked, you know, about various items. And I've
19 known him for some time. I think I agree with
20 you. It's important to have Hispanic districts
21 and have as many as we possibly can. I was not
22 involved in putting this map together. I believe
23 the El Conquistador, Victor, who's the editor of
24 that, I mean, that's been in the news for a long,
25 long time, which is a better way for the districts

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1 to go; should it be 60/54; should it be 67, this
2 or that or so forth, and I think this is a major
3 discussion in the Hispanic press for some time.

4 I'm not -- I have not been innerly involved
5 in terms of what the streets are and this and
6 that, so I'm just going basically from
7 theoretically the population's been determined for
8 18-plus voters, and I think also if you look at
9 the three districts with a population in the
10 Hispanic population has gone right through the
11 roof and deserves as much representation as they
12 can get.

13 There's a good likelihood that a senate
14 district will be forthcoming in four years, six
15 years. I think that's what the common knowledge
16 is now.

17 REPRESENTATIVE ZAMARRIPA: Again,
18 this map, redistricting, doesn't encourage that
19 growth. So hopefully that will happen, but,
20 again, it could have happened sooner. It could
21 have happened with this redistricting. We could
22 have had a Latino senate district, and we're
23 remiss to have not devoted time and energy on
24 that. And I would like to have been truly a part
25 of a true bipartisan effort. There wasn't one.

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1 Again, I feel strongly that we're putting
2 partisanship over communities here.

3 MR. SPINDELL: Well, I was --
4 again, on the Hispanic aspects of it, it's just
5 what I've been told and read. I've understood
6 that there's been Hispanic groups and not
7 Republicans but a whole bunch getting together for
8 the last several months. Everybody knows that
9 this legislature, it was elected in 2010, will be
10 redrawing the maps. And maybe I'm wrong, but I
11 thought there was, from what I was told, quite an
12 effort going on between the various organizations,
13 Hispanic organizations, in terms of what it should
14 be. Should there be a heavily Hispanic district
15 with 70-some-odd percent in a lower Hispanic
16 district or should it be 55/55 or whatever, and I
17 guess there's, you know, different opinions on
18 what's the best way of doing that. So that's
19 about as much as I know about it.

20 REPRESENTATIVE ZAMARRIPA:
21 Mr. Chair, I just want to follow up. And you're
22 right, Hispanic groups, Latino groups, have been
23 converging and discussing redistricting but not at
24 the state level. Again, maps just came out.
25 Myself, my democratic colleagues and the general

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1 public were able to view these maps at the end of
2 the day on Friday. That's when I found out.
3 That's when they were released publicly, this past
4 Friday. So, no, Latino groups haven't been
5 converging and meeting around state level
6 redistricting because it wasn't available until
7 Friday.

8 They've been meeting and discussing
9 redistricting at the local level. They did a lot
10 or work, the redistricting, yes, has met, and they
11 were trying, bipartisan effort. But make no
12 mistake, sir, I know that you probably are aware,
13 the general public and myself and my democratic
14 colleagues did not have access to the maps until
15 Friday, so it hasn't been months or weeks that the
16 Latino groups have been discussing redistricting.

17 It's redistricting but at the local level, at
18 the county level, school district level. The
19 state redistricting just came out on Friday, so
20 please let's not mislead the public. The Latino
21 community hasn't had ample time to really take a
22 look at these maps. As you can see, my colleague,
23 Mr. Perez, didn't even know that we could have had
24 a Latino-influenced senate district to over 50
25 percent. He wasn't even aware, and I think, I

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1 believe strongly, it's because the public has not
2 been given ample time to offer their input and
3 really digest all of the information in front of
4 us.

5 MR. SPINDELL: Well, I think you're
6 right in terms of the official maps not being out
7 until Friday or Monday, or whenever they were.
8 However, I read in the newspaper that they've been
9 talking about legislative districts for some time
10 and what percentage would best benefit the
11 Hispanic community, whether it should be 60/54 or
12 those other things. So I don't think this has
13 been a new subject that has never been brought up
14 in the Hispanic community before Monday.

15 As I understand, and maybe I'm wrong, you
16 certainly know that area better than I do, but I
17 read it in the Hispanic newspapers and talked to
18 Victor about it. And there's been various groups
19 that have been meeting, talking, I assume, about
20 the supervisory districts too, maybe the
21 aldermanic but also the legislative not knowing
22 officially what they would end up being.

23 So if I'm wrong in that, I apologize, but I
24 think it's been out there, not the official ones,
25 but people have been talking about this for some

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1 time.

2 REPRESENTATIVE ZAMARRIPA: I'm
3 sorry, Mr. Chair, I've got to respond. Yes, you
4 are wrong, sir, just to let you know. He's
5 referring to -- I hear you're dropping Victor
6 Hyke's (phonetic) name and you're dropping El
7 Conquistador. Yes, that's a community paper in
8 the Latino community but --

9 MR. SPINDELL: No, I'm just talking
10 about the El Conquistador.

11 REPRESENTATIVE ZAMARRIPA: El
12 Conquistador, yes, that's what I said. They're
13 discussing redistricting and legislative
14 redistricting, but the maps didn't come out until
15 Friday.

16 MR. SPINDELL: Oh, I agree.

17 REPRESENTATIVE ZAMARRIPA: That's
18 not what we are talking about right now. We're
19 talking about maps that were released to the
20 public and to myself Friday afternoon, and we're
21 going to make these decisions on a dime without
22 getting that public input. That's what I'm
23 speaking to. I just wanted to correct you.

24 MR. SPINDELL: You're absolutely
25 right. The official maps obviously were not

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1 released; however, the community has been talking
2 about what the percentages should be for two
3 Hispanic districts for some time. Now, if I'm
4 wrong in that, I don't think I'm wrong, I've been
5 reading it in the paper for some time, this is an
6 issue that everybody knew during the election,
7 that the -- that the legislature would be doing
8 the redistricting.

9 And if I'm wrong in that, I agree that the
10 official maps were not out there, but people have
11 been talking about this for -- maybe I'm in the
12 wrong groups or something -- but people have been
13 talking about should it be a 60/54, should it be
14 60-some-odd or whatever. And I think if we go
15 back and look at the newspapers, I think that
16 would be in there, but you're absolutely right.
17 These official maps were not out there.

18 CHAIRMAN ZIPPERER: Thank you. I
19 guess the committee, as chair, I would be very
20 interested -- Representative, if you have a map of
21 a district that gets to a 50 percent Hispanic
22 senate seat, I'd be very interested in seeing
23 that. It sounds like you may be aware of one or
24 something. If you could present that or share
25 that with the committee, I'd be happy to make sure

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1 it got out to them.

2 REPRESENTATIVE ZAMARRIPA: Thank
3 you. Mr. Chair, thank you for that offer. I
4 haven't had a time to have a map drawn because I
5 was just involved in the process on Friday, just
6 like the general public. But if you're offering
7 me time so that the community can have input, so
8 that I can have input, and offer up a map that has
9 a Latino-influenced district of at least 50
10 percent or more, I would love to take you up on
11 that offer.

12 CHAIRMAN ZIPPERER: I just assumed
13 since you had said there was an opportunity for a
14 50 percent district that you had run the numbers,
15 and you had found it. I believe the census data
16 has been out for some time, so I think anybody
17 could have put together a map.

18 But I do appreciate it, and I guess that's
19 the point of this committee hearing is to discuss
20 what options are available; and as the committee
21 moves forward, to consider options that are
22 available to the committee. I believe Senator
23 Risser was first.

24 MR. SPINDELL: Also, I'd be very
25 honored to meet with you or have lunch with you

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1 some day if that's okay, because you said you'd
2 like to meet with me, and I'd be very happy to do
3 that.

4 CHAIRMAN ZIPPERER: Senator Risser.

5 SENATOR RISSER: Thank you. Just a
6 factual question. Has the City of Milwaukee
7 already drafted their new border lines? And if
8 so, are they going to have to be changed as a
9 result of this map?

10 MR. SPINDELL: Well, I don't know
11 that for sure. I'll just tell you some of the
12 little things that I've heard. I think the
13 Election Commission has been working on doing some
14 of that because they're the ones that -- we're the
15 ones that will be doing that to make sure -- but
16 it's -- as far as I understand, at least from the
17 Election Commission standpoint, that has not been
18 completed, and I just don't know how much work has
19 been put into it so far from staff or how much
20 more would have to be done.

21 CHAIRMAN ZIPPERER: Representative
22 Bewley.

23 REPRESENTATIVE BEWLEY: I have a
24 question for the chair.

25 CHAIRMAN ZIPPERER: Sure.

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1 REPRESENTATIVE BEWLEY: Okay. You
2 had just said -- and I hope I -- anyone could have
3 suggested a map. Is that what you said?

4 CHAIRMAN ZIPPERER: well, I believe
5 the census data has been available for some time,
6 and I know kind of armchair redistricters have
7 been putting maps on the Internet for some time.

8 REPRESENTATIVE BEWLEY: well, I'm a
9 new legislator, as you know, so I beg your
10 indulgence. If Representative Zamarripa had had a
11 map, would she have been able to give it to you
12 and then engage in a discussion including it?

13 CHAIRMAN ZIPPERER: I think any
14 committee member that comes forward with a map or
15 proposed changes absolutely can be considered by
16 the committee. I've already received
17 correspondence, I believe, from --

18 REPRESENTATIVE BEWLEY: No, I mean
19 before.

20 CHAIRMAN ZIPPERER: -- senators
21 potentially having amendments as we move forward.

22 REPRESENTATIVE BEWLEY: No, I mean
23 before, before Friday, during the process, because
24 here it is -- I mean, we got the maps on Friday,
25 so now we've got to hurry up, quick, get a map. I

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1 mean, could we have been involved earlier?

2 CHAIRMAN ZIPPERER: I believe so.
3 This committee didn't receive the bill until
4 Friday, so this committee was not tasked with this
5 issue until the bill was referred to us, so I
6 think anybody could have taken the initiative to
7 draft maps of their own. Go in order here. I
8 believe Representative --

9 REPRESENTATIVE DANOU: Yeah, I just
10 have a brief inquiry of the chair then. Would the
11 chair of both respective committees be willing to
12 -- I mean, which is what the legislative process
13 is, is sit down and hammer out a map that maybe we
14 can all live with here? I'm more than happy to --
15 I've got a pretty clear summer schedule coming up.
16 I think a number of us would be more than happy to
17 try and sit down and make some adjustments.

18 The senator made some -- had some legitimate
19 concerns about what's happening. It sounds like
20 -- and I think it's great -- that we may be
21 willing to sit down and put a little bit of a
22 slowdown on this thing and hammer out a more
23 bipartisan map here. Is that a possibility?

24 CHAIRMAN ZIPPERER: I'm sorry, I
25 missed the beginning of your question. What's

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1 your question?

2 REPRESENTATIVE DANOU: well,
3 basically you said -- you've indicated a
4 willingness to look at a map potentially put
5 together by Representative Zamarripa. We've got a
6 -- we could have a joint committee.

7 Could we sit down and make necessary changes
8 or, I mean, the beauty of what goes on with this
9 process is, you know, it's computerized now. We
10 can run numerous iterations and maybe come up with
11 a map that we could maybe get actually for the
12 first time in this legislative body, this session,
13 get some bipartisan consensus on. Are you
14 suggesting that's a possibility here.

15 CHAIRMAN ZIPPERER: The committee
16 will use its process as we go through. There is a
17 public hearing today. There will be an executive
18 session. You know, at the end I'm assuming that
19 the executive session could be perhaps Friday, and
20 at the executive session members of both parties
21 will be able to offer their amendments, will be
22 considered and debated, as we do with every other
23 piece of legislation considered in this building.

24 So this legislation is receiving its public
25 hearing today and will have an executive session,

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1 and that is what the committee is tasked with.

2 REPRESENTATIVE DANOU: Thank you.

3 CHAIRMAN ZIPPERER: Representative
4 Zamarripa.

5 REPRESENTATIVE ZAMARRIPA: Thank
6 you, Mr. Chair. I have a question for the
7 gentleman, and, no, we're not going to agree on
8 our sentiments over our Latino community. But I
9 thought we could talk a little bit about our city
10 because you're also, like me, from the City of
11 Milwaukee.

12 You know that our city has been working on
13 redistricting efforts --

14 MR. SPINDELL: I'm sorry?

15 REPRESENTATIVE ZAMARRIPA: Our city
16 has been working on redistricting efforts for the
17 last few weeks, and there's been public hearings
18 you spoke to, you are aware of.

19 MR. SPINDELL: For supervisory you
20 mean and aldermanic?

21 REPRESENTATIVE ZAMARRIPA: County
22 redistricting has been happening as well, but in
23 the City of Milwaukee locally, redistricting has
24 been occurring at the local level for the past few
25 weeks.

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1 MR. SPINDELL: Well, I haven't
2 attended any of those, but I assume there would
3 be. I mean, it's a major issue.

4 REPRESENTATIVE ZAMARRIPA: Oh,
5 yeah, they have invested a lot of time and energy
6 to holding public hearings, listening sessions.
7 They've already voted on several maps, and I have
8 a letter here from my mayor, Mayor Barrett, our
9 mayor, as well as Alderman Ashanti Hamilton, who
10 also, because of the short notice of this public
11 hearing, again, speaking to that lack of public
12 input and lack of transparency around this
13 redistricting issue, were unable to change their
14 previous commitments to come and testify, but they
15 did send testimony.

16 I have copies if -- if we didn't e-mail the
17 rest of the committee here, but they do indicate
18 that we spent and dedicated hours, and
19 administrative expenses total over \$40,000 on all
20 of the work that they've done up to this point at
21 the local level in our City of Milwaukee.

22 MR. SPINDELL: You mean doing
23 local --

24 REPRESENTATIVE ZAMARRIPA:
25 Redistricting.

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1 MR. SPINDELL: -- redistricting?

2 REPRESENTATIVE ZAMARRIPA: That's
3 right. So passage of Senate Bill SB 150, which
4 basically -- which basically let's majority
5 legislature slice into wards that are already
6 existing, is going to cost at least \$10,000 or
7 more to now change and essentially start from
8 scratch.

9 So 53 total wards were cut into, if I'm not
10 mistaken, including 17 in my 8th Assembly
11 District. They're going to have to be
12 reconfigured based on all these changes at a time
13 when we're broke, and we're supposed to be giving
14 local governments the tools that they need to
15 budget. We're going to take them back to ground
16 zero after they've done all this work and really
17 have made the due diligence to ensure that the
18 public had input.

19 I was at and testified at one of those
20 hearings, and I was lucky enough to offer my input
21 as a state representative for our district in my
22 City of Milwaukee. Do you find that -- don't you
23 -- aren't you -- don't you think we're remiss as a
24 fellow Milwaukeean?

25 MR. SPINDELL: Well, what I was

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1 talking about -- maybe we're talking about the
2 same things in terms of drawing up the wards so
3 they don't cross into two legislative areas. Now,
4 in terms of the aldermanic redistricting and
5 supervisor and whatever, I really haven't -- I'm
6 not up to date on that. All I know is that
7 they're trying to reduce the size of the Board of
8 Supervisors by one.

9 But, you know, certainly, and I want to
10 emphasize, again, I am not speaking for City of
11 Milwaukee or the Election Commission. I'm
12 speaking solely for myself on this, and it's --
13 the City of Milwaukee has done all sorts of budget
14 cuts. For example, all the Election Commission
15 used to get was about 2,000 a year for the work we
16 do. Now that's been reduced to \$20 a session. So
17 for a 16- or 17-hour day I spend going around to
18 wards, I get \$20. So that's about a dollar 17 an
19 hour; and then if they take the FICA and Medicare
20 out of there, about 75 cents an hour.

21 So, I mean, everybody is taking cuts along
22 this line. There has been work that's been done
23 by the City of Milwaukee Election Commission. I'm
24 just talking about that because I don't know
25 anything other. I don't think it's that difficult

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1 to -- once the legislative districts are drawn up,
2 to draw some -- draw some wards that don't have
3 two legislators in the same district. And I --
4 there are now -- even in the current system we
5 have now there's several districts, several voting
6 wards throughout the city, that have two -- during
7 election day there are two legislators. The two
8 districts are within that same ward, and that's a
9 mess. That's all I'm saying.

10 So I don't know all the in's and out's of the
11 City of Milwaukee and what everybody else has been
12 doing regarding the reapportionment and
13 redistricting.

14 CHAIRMAN ZIPPERER: Thank you. Oh,
15 Representative --

16 REPRESENTATIVE ZAMARRIPA: I'll
17 just follow up. I understand that you're --
18 you're not familiar with the specifics, and that's
19 why I wanted to make sure that you were aware.
20 This hurts our City of Milwaukee.

21 MR. SPINDELL: Well, you know,
22 again, I am talking for myself. From my
23 standpoint, when we pick up an extra
24 African-American district, when we pick up extra
25 Hispanic district, we've got a good shot for a

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1 Hispanic senate district in a few years. From my
2 standpoint in the City of Milwaukee, I like that
3 versus keeping it the same or going backwards, so
4 that's all I'm saying.

5 CHAIRMAN ZIPPERER: Thank you. Up
6 next, Senator Coggs; and on deck one, Juan Carlos
7 Ruiz. Welcome, Senator.

8 SENATOR COGGS: Thank you,
9 Mr. Chair, and members. Like Senator Jauch, I've
10 been in office 29 years, and we've all had this
11 map just a week. So the question becomes what
12 does this map really do. Well, it splits
13 communities of interest. Municipalities like
14 Racine, Janesville, Beloit and Marshfield now is
15 divided for partisan purposes. That's
16 gerrymandering.

17 It disenfranchises my city, Milwaukee, and
18 the county and the voters of the county by pairing
19 democratic county representatives like Statskunas,
20 Cullen and Kessler with Waukesha County
21 Republicans in strong GOP majority districts, and
22 it shifts power from the largest population center
23 in the state, Milwaukee County, to
24 Republican-controlled suburbs. What happened to
25 local control?

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1 Let me remind the committee and the public
2 that this appears to be the one-and-only public
3 hearing for the most important political event of
4 the next ten years. All indications point to this
5 being nothing but a Republican-protectionist map.
6 As we discussed concepts like community of
7 interest and the Voting Rights Act and those kind
8 of things, this map can't be called
9 constitutional.

10 I'm speaking from experience. I'm a product
11 of redistricting. In 1982 I represented Bob
12 Williams and went to court to carve out a new
13 African-American district. Before I got elected
14 no African-American had represented that
15 particular area, and Professor Esenberg was
16 constitutionally incorrect when he told you that
17 you did not have to draw the boundaries of two
18 senate districts and increase more
19 African-American representation.

20 In 1992, I went to court with several others
21 to make sure that we have for the first time two
22 African-Americans senate districts, and a Court
23 said vis-a-vis Voting Rights Act, "where you can
24 draw a new district, you shall draw a new
25 district." Basically did the same thing in 2002,

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1 went to court to make sure we have proper
2 African-American representation, and recently
3 Milwaukee Journal Sentinel has written about the
4 effects of this Republican map on southeastern
5 Wisconsin.

6 If you take Senate District 8, the incumbent
7 is Alberta Darling. In 2008, out of a thousand
8 votes, she won by -- I'm sorry, out of 100,000
9 votes, she won by about a thousand votes. Under
10 this map that new district is solidly Republican.
11 So if Representative Sandy Pasch beats Alberta
12 Darling in the upcoming recall election, it would
13 be extremely difficult for democratic senator
14 Pasch to keep that district democratic. So this
15 is not a competitive map. It's kind of a "Heads I
16 win. Tails you lose." It doesn't pass a fairness
17 test.

18 Now, what happens in this map in Racine and
19 Kenosha is particularly interesting. Currently
20 the 21st Senate District in Racine and the 22nd
21 Senate District in Kenosha are very competitive.
22 In fact, the 21st District the last 20 years has
23 been going back and forth between Democrats and
24 Republicans. The Republican plan currently takes
25 the two districts and bisects them east and west

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1 to make a so-called rural district for Republicans
2 and a so-called safe urban district for Democrats,
3 and then it tries to invoke the Voting Rights Act
4 for minority in the 22nd; but with the minority
5 voting-age population in that district of only 24
6 percent, minority involvement is only a hollow
7 promise.

8 I would take the urban district more
9 seriously if Republicans hadn't drawn the
10 democratic senator out of that democratic
11 district. Now, in my particular senate district,
12 the 6th Senate District, it looks like the 17th
13 Assembly District, which is encompassed in a -- is
14 a packed district. A packed district is basically
15 where you have people of color, and you cram more
16 into it or pack more of those folks into it so
17 they don't influence another district.

18 That district is an 81-percent-minority-
19 voting-age population district even though that
20 particular district could be drawn more north and
21 west of where it is. Currently, as you know,
22 there are several citizens who are petitioning to
23 go to federal court to have the Court draw the
24 map. I have also been encouraged and also for the
25 first time in my legislative career seen, and I am

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1 now endorsing, having a commission do the map
2 rather than the legislature because this map is
3 endemic of where we can take advantage, we do take
4 advantage.

5 This time it's the Republicans, and every
6 time I've been in office I haven't seen a power
7 grab this big. So with the federal court
8 challenge looming, this results in a map not
9 making constitutional muster. Let me just make
10 one last point. I have repeatedly called this map
11 a Republican protectionist map, but soon the
12 federal court may just call it null and void.
13 With that, I'll take any questions you may have.

14 CHAIRMAN ZIPPERER: Any questions
15 for the senator? Yeah, Representative.

16 REPRESENTATIVE DANOU: Senator, do
17 you think if we were honest as legislators and sat
18 down and did our jobs as legislators where we
19 brought both sides in, we got a starting point,
20 let's just say we can start with this map, do you
21 think we can hammer something out? Give us a few
22 months before the end of the year. Do you think
23 we could hammer something out that maybe both of
24 us would find acceptable, Democrats and
25 Republicans, senators and assemblymen?

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1 SENATOR COGGS: Yeah, I can feel
2 our Republican colleagues wincing at that notion,
3 but let me at least mention to everyone here that
4 Congressman Obey was exactly right. If we sit
5 down and talk this out, we can see logically where
6 our bias comes in and where logic should come in,
7 and that's what he did with Republican
8 congressional representatives.

9 They sat down, and they actually talked
10 before they presented a map. This is backward.
11 This is presenting a map, having people react to
12 it and then say, you know, and to Representative
13 Zamarripa, you can have some input midway or most
14 times on the tail end.

15 Mr. Chair, I hope that you and the other
16 co-chair take her to heart because her notion of
17 having for the first time City of Milwaukee a
18 Latino minority-influenced district as a senate
19 district is constitutional, and it is the right
20 thing to do. So the answer to your question, I
21 think we can sit down. Would it be perfect?
22 Would everybody like the map? The answer is no,
23 but at least we will have had a fair shot at
24 trying to do it together because if we don't, I'm
25 -- I just think in the future, in the very near

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1 future, a commission is going to be the only way
2 that we're going to have a fair map.

3 CHAIRMAN ZIPPERER: Any further
4 questions? Thank you. Up next, Juan Carlos Ruiz
5 representing the Latino Redistricting Committee
6 speaking against; and up next, Peter Earl.
7 Welcome, Mr. Ruiz.

8 MR. RUIZ: Thank you, Mr. Chairman,
9 and thank you so very much for allowing me to
10 speak to your committee, Mr. Co-Chairman. My name
11 is Juan Carlos Ruiz, and I'm the spokesperson for
12 the Latino Redistricting Committee in Wisconsin.

13 This committee is integrated into 15
14 different organizations, no names, not
15 organizations and institutions, of more than 20
16 years working in this great state. And I am
17 Latino, representing Latinos. I took time from my
18 family today to come here on a volunteer basis
19 because I am outraged of this process. This
20 process is disgusting to me.

21 When I came to this country, I came because I
22 always understood that this country was a place of
23 fairness. Do you have a dream? You can come; you
24 work hard; you're honest and you work hard, you
25 can reach your highest. This process is an

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1 embarrassment to us, and I will tell you why. A
2 week ago I got a call from a lawyer from Michael,
3 Best & Friedrich inviting me to a meeting with
4 them to talk about the redistricting maps.

5 So I gathered us a map already, and I could
6 come and take a look at that and meet with my
7 committee members, and we agree that we want to be
8 part of the process. We agreed to come to the
9 meeting, and the meeting was postponed. And
10 eventually the meeting was set up for Friday, and
11 that Friday was when the meeting was going to --
12 that's the day, the same day, the map was
13 released.

14 Previous to that I asked the lawyer from
15 Michael, Best & Friedrich, I asked them, "So we go
16 to the meeting to talk with you. Do we have a
17 chance to make some influence, especially in the
18 senate level, because we've been looking at some
19 things, and looked like we had some options to
20 have a Latino state senate, Latino influence in
21 the senate." what I got, the response was, "No,
22 those deals has been cut already. The senate
23 place has been very difficult to deal with. They
24 are done. The deal is done. You might have some
25 options to make some moves here and there in

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1 regards to the assembly districts."

2 And I got the maps even. I got the, what is
3 it called, the adopted, the proposed map. So what
4 is the influence that we are going to have here?
5 Furthermore, I got a call yesterday from a
6 national organization, a Latino-Hispanic national
7 organization, that was misled by some members of
8 the Latino community. They're sitting in this
9 room. They have spoke before me. They have been
10 misled by them, and they have -- they were coming
11 to testify today in favor of this map until we
12 took a serious look at the process, a look at the
13 impact that this map has on how it's limiting the
14 Latino community itself, so they are not here
15 today to testify.

16 This is a national organization that works on
17 Latino civil rights issues. Let me share with you
18 that that is not democracy. Why is this happening
19 to us? We have -- in the City of Milwaukee we
20 have fought -- and I think that is what you were
21 referring -- we have fought the right to have a
22 fair representation. Our community leads the
23 force. That community was integrated and is
24 integrated by -- (speaking Spanish) -- Voces de la
25 Frontera, the Wisconsin Hispanic Chamber of

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1 Commerce, the Hispanic Entrepreneurial
2 Association, MATC Student Latino Association,
3 Hispanic for Leadership -- (speaking Spanish) --
4 and more.

5 We have 15 organizations representing us, and
6 we work in the city to increase the Latino
7 representation, a fair Latino representation. And
8 we have two super minority districts, but we are
9 part of the process. And we understand the words,
10 and we educate our community about that, how the
11 whole redistricting process works. We did that.
12 We were ready to do the same thing at the state
13 level. Now what we have, we have a different
14 process.

15 You're not going to work with the wards. You
16 went to war with the plans, and now we need to
17 understand the whole process. We need to
18 translate that to our Latino families in our
19 communities to see how they are going to be
20 affected. One week is not enough. We have the
21 right to translate this information to our
22 citizens that do not speak the language. They are
23 learning the language. We have to be able to
24 translate the inference, the impact, the legal
25 process of this.

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1 We need at least three weeks to make this
2 happen, and, Mr. Chair, you're saying that this is
3 the process. Next week this is going to be
4 approved. So basically you are telling us we have
5 this hearing for nothing because you have made up
6 your mind. The maps have been set up already.
7 The senate has been agreed already, and this is so
8 -- a circus.

9 Where we come to share with you our concerns,
10 we ask to -- beg to you to give us more time so we
11 can address these issues with our Latino community
12 so we can come up and show you a map, present you
13 a map. At least give us the opportunity to
14 present you a map. One week is not enough time.
15 This is a new system that your lawyers, the
16 lawyers that you guys have hired.

17 In our City of Milwaukee it's going to cost
18 us more than \$150,000 to come back and be in shape
19 and go through the whole process, never mind the
20 amount of money they are losing by being part of
21 this process of going to hearings and going to
22 meetings throughout the day because those meetings
23 don't happen in the night.

24 So here is one time we are asking you
25 respectfully. We are respectfully asking you to

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1 please delay this process at least three weeks so
2 we can analyze the maps very strongly, and we can
3 use the system that you are imposing on us and the
4 whole city and the whole state so we can present
5 you a map that is an alternative.

6 The second request that we have is to please,
7 please get some of these meetings in our
8 communities. The communities are going to be
9 impacted to this. Come to Milwaukee. Have a
10 meeting. Have one of these hearings in Milwaukee
11 because we are going to be impacted tremendously.

12 Number three, make this process more
13 transparent and clear. This process is not clear.
14 It's not transparent. Whether I speak English or
15 Spanish or not, this process is not transparent
16 and is not acceptable. So this is the demands --
17 not demands, the requests, I apologize, of our
18 community, and really I thank you for your time.
19 Any questions, I'm ready here to take them.

20 CHAIRMAN ZIPPERER: Thanks for your
21 input. Any questions? Representative Bewley.

22 REPRESENTATIVE BEWLEY: I want to
23 thank you for your testimony, Mr. Ruiz. I
24 appreciate it very much. You talked quite a bit
25 about how the people had not had a chance to

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1 comment upon the maps. Of course, we saw them as
2 well on Friday afternoon. My constituents, of
3 course, would wake up on a Monday morning and
4 maybe if they're lucky find out about them. And
5 now here it is Wednesday, and there's no way they
6 can travel 300 miles to testify.

7 So I completely agree with the hardships of
8 the folks that you represent in getting here, and
9 I understand your request for more time. Could
10 you comment a little bit about the work that you
11 know that has gone on in your communities to draw
12 the existing -- the districts, and do you know --
13 what have you heard about their -- now that
14 they're being requested to do them over?

15 MR. RUIZ: I'm sorry, I am not
16 clear with that question.

17 REPRESENTATIVE BEWLEY: Your
18 community has already participated. Perhaps
19 someone could correct me if that is not correct.
20 Has Milwaukee finished their maps? They are
21 finished?

22 MR. RUIZ: Yes.

23 REPRESENTATIVE BEWLEY: So they
24 have to do them over.

25 MR. RUIZ: Exactly. So we have --

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1 we have been part of the process from the get-go
2 when the census numbers were back, and let me step
3 back. The Latino community is very concerned
4 about the amount of voting power that we have.
5 It's very evident that we have grown 41 percent in
6 the state. We have 104,000 Latinos eligible to
7 vote in the state, and the voting turnout is very
8 low.

9 The numbers of Latinos, we have come together
10 to work and to strengthen in the Latino power. We
11 want them to go out and vote. That is our
12 community. Part of that plan is to participate in
13 the redistricting process. So when we were asking
14 our friends, the Republican friends, "where is
15 this in the process? We don't know anything about
16 it. We don't know anything about it," so we find
17 out more about the Milwaukee redistricting process
18 where we have some strong relations because that's
19 where we live.

20 So we went through the process. We met with
21 the chairman of the committee. We met with the
22 chairman of the council, the president of the
23 council. We urge them to testify. We educate our
24 communities. We help our communities in meetings.
25 We form the coalition, not just names of people

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1 that are misled to put their name into the
2 newspaper so they can support the redistricting
3 efforts. Everybody supports the redistricting
4 within the Latino community, the Latino
5 representation, but they were not clear about the
6 minutia that was reflected in here.

7 So we participated in this very careful
8 process, meetings and hours and hours and hours
9 trying to clarify with that. We testified. We
10 came up with one map. We came up with a second
11 map. We went and testified. We brought experts.
12 We brought to meet with us the past chairman of
13 the -- of the Department of Civil Rights -- no,
14 Department of Voting Rights of the Department of
15 Justice. He came and spoke with us.

16 We hired a professional from management to
17 teach us about the whole redistricting maps so we
18 can get familiar with the system. We are not
19 familiar with this. We are getting familiar with
20 this stuff. So now we get familiar. We
21 participate in the city. We got the map, and we
22 got a map that pleased the minority of the city.
23 We put work into that map. Now we find out that
24 all that work goes into the garbage.

25 That is not acceptable. And by the way, the

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1 folks whose names that has been mentioned in here,
2 Rodriguez and those, they were part of this
3 process, and they never mentioned there was
4 something going on at the state level that they
5 have some information from months ago. So this
6 was a hush, hush, hush event that looks to me -- I
7 am not Republican. I am not Democrat. This is
8 not the point to do.

9 The bottom line is this is something
10 partisan, not doing it to benefit the party and is
11 not doing it to benefit the democratic process in
12 our great state. I don't believe I answered your
13 question. I apologize.

14 REPRESENTATIVE BEWLEY: Yes, you
15 did. Thank you very much.

16 CHAIRMAN ZIPPERER: Any questions?
17 Representative.

18 REPRESENTATIVE DANOU: I'm just
19 going to make an inquiry of my own chair in the
20 assembly here. We as legislators have a job to do
21 as legislators, and the senator didn't seem --
22 Senator Zipperer didn't seem interested, but we
23 have committee hearings for a reason, to look at a
24 bill, hear public input and then to take that
25 input and try and make a better bill.

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1 I don't -- I would like to consider that we
2 can sit down together and make this a better bill;
3 and if you're concerned, I think we've got time to
4 do it before August 9th, if that's what the
5 concern is. We can take -- we can probably get
6 most of the local wards redrawn from throughout
7 the state or close to it, respect those local
8 decisions and come up with something that
9 Congressman Obey mentioned, a map that would be
10 less divisive and potentially more representative
11 of the state.

12 I'm willing -- you know, I think we've got to
13 recognize that we've got to go before the people
14 with their ideas and let them decide and not let
15 the partisans and both parties be the ones that
16 guide this process. I would like to do it. I'm
17 willing to clear my calendar. I think the rest of
18 my members will be willing to do that. I've got a
19 vacation planned, but you know what, I can cancel
20 it.

21 I'm more than willing to spend the next three
22 weeks down here hammering something out with
23 everybody in this room because it fell to us to
24 make this decision and make this vote. Seems like
25 I won't have any chance to exec on it, but it's on

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1 us as legislators to have a chance to do that.
2 And we can exercise some leadership here, and I
3 would hope that my fellow committee members, both
4 Democratic and Republican, would be willing to sit
5 down.

6 I'm willing to do that. I can extend my stay
7 at the hotels. I'll stay for the weekends if
8 necessary and hammer something out here. I'm
9 making the offer. I think we can do it. I wonder
10 if my chairman would be willing to consider that.

11 CHAIRMAN VAN ROY: We're looking at
12 this in the senate bill, and this is what this
13 committee is about. And we're presenting it as
14 such, as a senate bill, and so that's what's
15 really coming up.

16 So if that gets passed and moved forward, it
17 will be the question of the assembly if it will so
18 happen that we will be putting that up as
19 concurrence to that. So this is what we're
20 discussing here today is the senate bill as such,
21 so that would be it. Probably will not be an exec
22 on this because we're looking at a senate bill.

23 CHAIRMAN ZIPPERER: Any questions
24 for the gentleman before us? I realize he's tight
25 on time as well.

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1 MR. RUIZ: Mr. Chairman, just a
2 quick thing. This senate bill -- referring to
3 senate Bill 150, all right? If this passes, this
4 bill will reduce the time limit for each step in
5 the process from 60 days to 45 days. This will
6 lessen the opportunity for public input if this
7 bill passes. This bill requires counties among
8 municipalities to revise their wards and district
9 plans to reflect the state legislative and
10 congressional districts' boundaries. That does
11 not coincide with a ward.

12 In other words, after we have set voting
13 wards -- after we have set voting wards, the State
14 can ignore them and throw in their own districts,
15 and we have to reopen the process to adjust our
16 boundaries. This will ultimately affect the works
17 of the district plans of the city level. The
18 State Assembly plan will force the City of
19 Milwaukee to adjust the borders of 55 of the 315
20 voting wards and 9 of the 15 aldermanic districts.

21 Granted, the changes are small, but they are
22 forced by someone drawing lines for pure political
23 motives. The assembly lines we have to follow do
24 not consider communities of interest or public
25 input, and that is not acceptable, Mr. Chair. We

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1 are not considering public input, especially in
2 the Latino community where we have 41 percent, but
3 we need to do translations, interpretations and
4 documents and maps and all that sort of stuff so
5 people can understand. So I'm respectfully asking
6 again to please delay this process at least three
7 weeks.

8 CHAIRMAN ZIPPERER: Thank you for
9 coming. Next up, Peter Earl, and on deck will be
10 Eileen Bruskevitz of Waunakee. So, Mr. Earl.

11 MR. EARL: I was hoping to say good
12 morning. Good afternoon.

13 CHAIRMAN ZIPPERER: At least you're
14 not saying goodnight.

15 MR. EARL: I appreciate that. My
16 name is Peter Earl. I am a civil rights lawyer
17 from Milwaukee, and I'm speaking on behalf of
18 Voces de la Frontera, which is Wisconsin's leading
19 immigration rights organization. And I want to
20 note that I've participated in every single
21 meeting of the Latino Redistricting Committee that
22 was described to you by the person who spoke right
23 before me, Mr. Juan Carlos Ruiz.

24 I think everybody, including you,
25 Mr. Chairman, must agree that there is no right

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1 more sacred than the right to a vote, and the
2 value of that right to a vote can be diluted by a
3 redistricting process depending on how it goes.
4 In other words, legislatures have been known to
5 manipulate the process to the advantage of a
6 partisan majority in a way that disrespects the
7 rights of minorities in violation of the Voting
8 Rights Act and in violation of the United States
9 Constitution.

10 Therefore, it is important that this
11 committee, which is the steward of this process in
12 Wisconsin, pay special attention to the types of
13 values that should guide this process. This
14 process should be open to all. It should be
15 transparent to all; and most importantly, it
16 should be fair to all. This is the third re-map
17 process that I participated in as an advocate for
18 the Latino community of Milwaukee.

19 while I haven't always thought or concluded
20 that the outcome was optimal for the Latino
21 community, up until last Friday I could say that I
22 felt everybody was given a fair chance to
23 participate. Most recently in the Milwaukee city
24 redistricting process the Latino community was
25 given a very meaningful opportunity.

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1 The political leadership of the City of
2 Milwaukee bent over backwards to make sure that
3 communities of interest could participate. Maps
4 were produced. Things were not rushed. In the
5 end, well, up through that process, meaningful
6 data in a user-friendly format was given to
7 everybody. The time to consider that data was
8 given to everybody. Everybody was given an
9 opportunity to produce maps and present them to
10 the process.

11 The Common Council ended up with four
12 different maps at the end of the process; and as a
13 result of that open process, the Common Council in
14 the end unanimously adopted a map that I think
15 everyone can say did fairness to everybody. The
16 Latino community's efforts were appropriately
17 rewarded with two super majority districts, and
18 those two super majority districts depend on lines
19 of wards that your proposal will shatter, and
20 we'll have to do this process all over again.

21 So today I sit here testifying before you
22 contemplating the possibility that the leadership
23 of the Republican majority intends to super-fast
24 track this redistricting process in a way that
25 intentionally precludes any meaningful

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1 participation by any community of interest no
2 matter who they are, Latinos African-Americans,
3 urban residents, suburban residents, rural
4 residents, young and old.

5 Today I sit here speaking to you in
6 disbelief. I am shocked. I am stunned. First,
7 you make public the proposed map just four days
8 ago, last Friday, in the afternoon on July 9th.
9 Second, you do not provide detail census block
10 data in a user-friendly format that allows the
11 citizenry to evaluate the proposed map or explore
12 alternatives. The GIS Shapefiles provided along
13 with the maps are useless to anyone without
14 sophisticated GIS software and the expertise
15 necessary to use it.

16 A standard GIS package costs -- called
17 Artview -- costs about \$1,500. The more
18 sophisticated software package that would be
19 appropriate for this task costs about \$5,000.
20 Third, the summary demographic information that
21 you provided on Friday afternoon along with the
22 maps is insufficient to adequately assess the
23 map's compliance with the Voting Rights Act.

24 For example, the summary data has a column
25 that's captioned Minority Population, and that is

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1 subdivided into two columns: one, Hispanic; the
2 other, other. As a consequence the leaders of
3 Milwaukee's Latino community were able to, on a
4 very quick basis, make very limited use of that
5 data in order to get some very superficial
6 understanding of what you were proposing to do in
7 the 8th and 9th Assembly Districts.

8 However, our African-American friends are
9 completely denied even that basic rudimentary
10 information, which begs the question, why are you
11 treating Latinos and African-Americans so
12 differently from each other in this redistricting
13 process? Fourth, it is my understanding that the
14 Republicans intend to ramrod this re-map proposal
15 through to approval by next Tuesday or Wednesday.
16 The entire process from beginning to end, if your
17 plan works, will have taken one and a half weeks,
18 and the entire state will have to live with the
19 results for ten years.

20 Fifth, the consequences of the lightning
21 speed of this process combined with the lack of
22 usable information means that the Latino community
23 will have been deprived of an opportunity to
24 evaluate whether it is possible to develop a
25 majority Latino senate district. We believe that

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1 if given the time and access to the data, we will
2 be able to demonstrate that Milwaukee's Latino
3 community is entitled to an influence district, an
4 influence senate district.

5 So my question to you, Mr. Chair, and members
6 of the committee, is why. Why is the leadership
7 of a political party that purports to be against
8 government waste and unnecessary government
9 spending forcing the City of Milwaukee to waste
10 all the money it spent on an open, thorough and
11 successful redistricting process? Why are you in
12 such a hurry that you completely preclude
13 participation by communities of interest?

14 Why are you doing this in such a secretive
15 manner that you have deprived everybody of usable
16 statistics and data necessary for people to be
17 able to understand what it is that you're doing to
18 their voting rights?

19 Is the real reason you are doing these things
20 that you are afraid of democracy or is the real
21 reason that you ran fake Democrats in yesterday's
22 primaries and cost the taxpayers near half a
23 million dollars in order to slow down the recall
24 process so that you could then fast-track this map
25 through before the recall elections?

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1 Everybody knows the answers to these
2 questions I just asked you. I respectfully
3 observe that you are like the Emperor with no
4 clothes. We see you for what you are. If you
5 don't slow this process down and hold hearings so
6 communities of interest can participate, then I
7 respectfully say to you shame on you. You should
8 give us the three weeks we need to understand this
9 process.

10 And if you don't, you will go down in history
11 as having done serious violence to the integrity
12 of our system of representative government. I
13 will entertain any questions you may have.

14 CHAIRMAN ZIPPERER: Thank you. Any
15 questions from committee members? Yes,
16 Representative.

17 REPRESENTATIVE KUGLITSCH: Thank
18 you, Chair. Were you here earlier for the
19 testimony from the Marquette professor, Professor
20 Esenberg?

21 MR. EARL: Yes, I was. I know well
22 who the professor is.

23 REPRESENTATIVE KUGLITSCH: Do you
24 agree with his assessment that the map is legal
25 and would hold up in a court?

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1 MR. EARL: You know, I was -- I was
2 befuddled by the professor's opinion. Assuming
3 that the professor got the map and the data at the
4 same time we all did, assuming he had read experts
5 who could manipulate the GIS data and what they
6 called the Geo shapes or whatever, it is
7 astounding to me that the professor, with such
8 superficial information -- and assuming the
9 information is the same information I have, it is
10 astounding to me that that professor could come in
11 here and render a legal opinion on such a flimsy
12 basis.

13 As a responsible lawyer adhering to the
14 ethical standards that govern my trade, I could
15 not sit here and give you a legal opinion because
16 I don't know, and I'm telling you, you don't know
17 either.

18 REPRESENTATIVE KUGLITSCH: That's
19 what I asked you. Thank you.

20 MR. EARL: Okay.

21 CHAIRMAN ZIPPERER: Any other
22 questions? Thank you.

23 REPRESENTATIVE BEWLEY: I have a
24 question.

25 CHAIRMAN ZIPPERER: Oh, I'm sorry.

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1 REPRESENTATIVE BEWLEY: No, I just
2 have a question for the chair procedurally. It
3 has been suggested that the Senate Committee will
4 exec, and the Assembly will not and that it will
5 go to the Senate and be messaged to the Assembly;
6 is that correct?

7 CHAIRMAN ZIPPERER: The bills are
8 Senate bills before us. The Senate will -- is
9 planning to exec, and, you know, it's potentially
10 Friday date is what has been considered for the
11 Senate exec. And what happens there is outside
12 the purview of the committee of which I chair.

13 REPRESENTATIVE BEWLEY: Okay. Then
14 I'll have one for Chairman Van Roy. Can we exec?
15 I'm asking as a member of the Assembly
16 participating in a hearing, I feel somewhat
17 disenfranchised if, in fact, after I listen, I no
18 longer have a chance to debate or discuss it in
19 the committee that I am here representing.

20 why am I here listening if I don't have a
21 chance to go to committee and discuss it? Just
22 procedurally. I'm new.

23 CHAIRMAN VAN ROY: What I am
24 looking at is a senate bill, so I have not brought
25 forth any other bill, nor has it been brought

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1 forth otherwise so --

2 REPRESENTATIVE BEWLEY: A companion
3 bill?

4 CHAIRMAN VAN ROY: No, there's been
5 no companion bill brought forth.

6 REPRESENTATIVE BEWLEY: And why
7 not?

8 CHAIRMAN VAN ROY: That would be up
9 to the leadership of the program, and I have not
10 seen --

11 REPRESENTATIVE BEWLEY: Could
12 you -- could you -- I'm requesting that you do
13 that. As a member of the Assembly and on behalf
14 of my Assembly colleagues, I want the equal
15 opportunity to engage. We're here at this hearing
16 together. After we adjourn this meeting I do not
17 want that to be the end of my involvement in this
18 process.

19 I'm here today. I want to finish. I want to
20 work this all the way through. As my colleague
21 has suggested, I'm not done when we gavel this
22 meeting today. Can you make that request?

23 CHAIRMAN VAN ROY: Procedurally
24 there's never been any companion bills on this
25 particular -- on reapportionment.

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1 REPRESENTATIVE BEWLEY: Then why?
2 what's the point?

3 CHAIRMAN ZIPPERER: You're hearing
4 exactly what, and so you'll be able to vote when
5 it becomes forth in the Assembly on the
6 concurrence.

7 REPRESENTATIVE BEWLEY: I defer to
8 my colleague on my right.

9 SENATOR ERPENBACH: Just real quick
10 on procedure. I think what the representative is
11 pointing out is there's not going to be a
12 committee vote in the Assembly. why would you
13 bring everybody down here and pay their per diem,
14 go through all the expense of all of that stuff if
15 there's not going to be an executive session?
16 Normally what would happen is Rich is our --
17 Senator Zipperer's committee would hold the
18 hearing, we vote on it, go through the Senate,
19 then it would over to the Assembly, then it would
20 go to the chairman's committee, then there would
21 be a vote on it, and then it goes to the floor.

22 But we're doing a joint hearing I think to
23 bypass the vote in the Assembly, if I've got that
24 right. So I guess the question would be why --
25 either introduce a companion bill or why would the

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1 assembly committee even be here in the first
2 place?

3 CHAIRMAN VAN ROY: We've been asked
4 to join to make this hearing.

5 REPRESENTATIVE BEWLEY: Who
6 asked --

7 CHAIRMAN VAN ROY: -- and I
8 accepted that.

9 REPRESENTATIVE BEWLEY: I'm
10 sorry --

11 CHAIRMAN VAN ROY: And I accepted
12 that from the leadership.

13 REPRESENTATIVE BEWLEY: I am asking
14 you to ask leadership to allow this to go to the
15 assembly.

16 CHAIRMAN VAN ROY: Well, we
17 haven't -- I'm just following the procedure that's
18 been brought forth before --

19 REPRESENTATIVE BEWLEY: I've made
20 my case. I believe everyone has heard it. I
21 believe my assembly colleagues will agree.

22 CHAIRMAN VAN ROY: Okay. Well,
23 next. I've told you procedurally there's never
24 been a companion bill on any of this and so --

25 REPRESENTATIVE BEWLEY: Then why do

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1 we have the joint hearing, Mr. Chairman? That's
2 all I'm asking. Why did I come all the way here?
3 I have spent all of this time. I am doing my due
4 diligence. Why am I here? I want to do the job I
5 was elected to do. I am here. I want to finish
6 this, with all due respect.

7 CHAIRMAN VAN ROY: Well, I think we
8 will probably finish this as the procedure moves
9 forward according to the -- as according to what's
10 been set forth before us.

11 REPRESENTATIVE BEWLEY: I'm
12 confused. I truly am, and I'm disappointed. May
13 I ask my -- those of you in the assembly who have
14 been here longer than I, what is this? Why are we
15 here?

16 CHAIRMAN ZIPPERER: We appreciate
17 the comments. The committee -- questions are not
18 asked to individual members of the committee.
19 They are asked to the chair or to the committee as
20 a whole. We appreciate the input. Obviously the
21 chairman of the assembly committee will take it
22 under advisement, and we'll continue as we proceed
23 forward.

24 The senate is planning the executive session,
25 and we obviously understand you would like to see

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1 an executive session in the assembly. And we
2 appreciate that input. So without further adieu,
3 the purpose of the hearing is to get further input
4 from the public, and we can proceed with
5 Ms. Bruskevitz. Thank you.

6 MS. BRUSKEWITZ: Thank you. My
7 name is Eileen Bruskevitz. I am a Dane County
8 supervisor, and I represent the Town of Westport
9 and the Village of Waunakee. I've reviewed the
10 proposed maps, and I'm here to testify in support,
11 especially as it pertains to Dane County.

12 As you know, Dane County's one of the fastest
13 growing counties in the state, and much of that
14 growth has occurred outside of the City of
15 Madison. I believe you've done an excellent job
16 of getting the best districts possible by honoring
17 the basic tenets of redistricting. As you create
18 -- you created four assembly districts wholly
19 within the City of Madison. A fifth assembly
20 district was created which put Madison, Blooming
21 Grove, McFarland, parts of Fitchburg, that kept
22 those communities of interest together.

23 The new map creates two senate districts
24 instead of three, and both senate districts vote
25 in the same election cycle. One senate district

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1 is wholly in Madison, and a second is Madison
2 along with the municipalities to the south, which
3 also share many communities of interest. You've
4 kept suburban and rural areas in their own
5 districts, and I think that's very important. And
6 it's a positive.

7 This map, especially as it pertains to Dane
8 County, reflects equal representation. I wish I
9 could say the same about Dane County, but I --
10 Dane County redistricting, but I can't. There are
11 488,000 people that live in Dane County. 233,000
12 in round numbers live in the City of Madison.
13 255,000 live outside the City of Madison. That's
14 22,000 more people who live in the municipalities
15 outside of the city.

16 Clearly, there should be more city -- I'm
17 sorry, there should be more county supervisors
18 than City of Madison supervisors. Yet the Dane
19 County board passed a redistricting map that makes
20 20 of the 37 seats on the Dane County board
21 predominantly Madison seats, leaving 17 seats for
22 the rest of the municipalities in the county.

23 This was accomplished in large part by using
24 a population deviation of plus or minus 5 percent.
25 In other words, there can be a 10 percent swing in

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1 population numbers. Clearly, this state has done
2 a much better job with deviations of less than one
3 percent. It's my understanding that the district
4 sizes differ from each other by something like .8
5 percent.

6 The County had tools at its disposal to do
7 the same, but they were relying on the Wisconsin
8 Counties Association's advice to use the plus or
9 minus 5 percent. I do support the maps that you
10 have drawn, and I thank you for keeping
11 communities of interest together and providing
12 equal representation for the people of Dane
13 County. And I'll just close by saying in the two
14 redistricting processes that I've been involved in
15 were first in the year 2000 -- actually, it was in
16 2001 when I was first elected to the Dane County
17 Board of Supervisors and now in 2011.

18 Human nature will compel partisans to act in
19 their own self-interest, and everyone's a
20 partisan. Whoever wins gets to draw the maps and
21 the lines. This is a very political process. You
22 can't tell if a district shape is wrong unless you
23 look at the many underlying factors that went into
24 drawing it, and beauty is in the eye of the
25 beholder. So thank you very much.

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1 CHAIRMAN VAN ROY: Hang on. Are
2 there any questions?

3 SENATOR RISSER: Yeah, I have one.
4 You say Dane County has passed its map. If we
5 adopt this map, how much of a change is going to
6 happen to Dane County's map?

7 MS. BRUSKEWITZ: Well, I think the
8 map that went out to communities just last week, I
9 think they're going to have to consider what they
10 will do. I don't know what the impact is. I
11 don't know how different it will be. It will take
12 someone that knows, has the mapping capabilities,
13 to asses that.

14 SENATOR RISSER: But Dane County's
15 map -- did the Dane County Board approve the map?

16 MS. BRUSKEWITZ: The Dane County
17 Board approved a map two weeks ago, I think it is.
18 It's now being sent out to the local
19 municipalities to look at ward lines and
20 boundaries.

21 CHAIRMAN VAN ROY: Senator
22 Erpenbach.

23 SENATOR ERPENBACH: Thank you.
24 Could you walk us through the Dane County process
25 in drawing the map for Dane County?

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1 MS. BRUSKEWITZ: Yes, there was a
2 redistricting committee that was put together -- I
3 think it was back in January, and there were a
4 number of public hearings. Maps were drawn. Then
5 maps were changed without any public input. We
6 had one map that was being considered, and at the
7 next meeting, without any discussion, there was a
8 new map that was put before the committee, and it
9 passed unanimously.

10 There had been several attempts to make some
11 adjustment to equalize things, but all of those
12 motions were voted down. And so other than that,
13 it was a small group of people drew the maps.
14 Supervisor Hendrick is chair of that committee,
15 and it's my understanding that he and some staff
16 drew a map. And that's the map that is moving
17 forward and was sent out after a vote of the
18 committee to the municipalities.

19 SENATOR ERPENBACH: Okay. Now, I
20 know you're not partisan on the board.

21 MS. BRUSKEWITZ: Oh, it's a very
22 partisan place, Jon.

23 SENATOR ERPENBACH: No, I know. I
24 know, but would it have been considered a
25 bipartisan committee?

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1 MS. BRUSKEWITZ: Absolutely not.

2 SENATOR ERPENBACH: No -- I don't
3 want to do liberal-conservative, but no -- the
4 committee was all made up of more liberal, of the
5 liberal members of the board?

6 MS. BRUSKEWITZ: That is correct.
7 We had a token conservative. Supervisor Clausius
8 from the City of Sun Prairie made up the
9 conservative contingent on the board despite the
10 fact that we do have 14 conservative supervisors.

11 SENATOR ERPENBACH: But he still
12 voted for it.

13 MS. BRUSKEWITZ: No, he did not.

14 SENATOR ERPENBACH: He did not. It
15 didn't pass unanimously then?

16 MS. BRUSKEWITZ: No, it did not.

17 SENATOR ERPENBACH: I thought it
18 did out of committee you said.

19 MS. BRUSKEWITZ: No, it did not.
20 The vote out of committee, I don't know. I think
21 there was one person that abstained, and
22 Supervisor Clausius voted no. And then when it
23 came to the county board, I believe there were 14
24 no votes, and there were a few people absent.

25 SENATOR ERPENBACH: So it didn't

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1 pass out of committee unanimously.

2 MS. BRUSKEWITZ: No, it did not.

3 SENATOR ERPENBACH: Okay. Thanks.

4 CHAIRMAN VAN ROY: Representative
5 Danou.

6 REPRESENTATIVE DANOU: Just let me
7 be clear about what you're testifying to. You're
8 basically unhappy with the way Dane County did its
9 redistricting. It was done -- you're implying
10 done in secret by a small group of people
11 controlling the process to do it in a very
12 partisan way.

13 MS. BRUSKEWITZ: I think that's the
14 way redistricting is done.

15 REPRESENTATIVE DANOU: So I guess
16 what matters to you then is if it's your side that
17 does the redistricting in a partisan secret way,
18 it's okay; but if it's the other side that does
19 the redistricting in a partisan way, that's not so
20 okay.

21 MS. BRUSKEWITZ: No, I'm not saying
22 that at all.

23 REPRESENTATIVE DANOU: Seems to be
24 what you're saying.

25 MS. BRUSKEWITZ: What I'm saying

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1 is, and I -- human nature, until people change,
2 this is a very partisan process. I, like you, had
3 suggestions and comments. But I only had 14
4 votes, and I was there to vote no. It passed
5 anyway.

6 Do I think that minorities are being treated
7 unfairly by this map? Yeah. I mean, I've been
8 seeking out information to get more data. But I'm
9 not part of the map-drawing crowd, so I don't get
10 to do that. I think that it is very partisan, and
11 it's unfortunate. I don't think -- maybe when
12 Mr. Obey was speaking, there may have been a time
13 in our past history where people were much more
14 collegial and more willing to work together, but I
15 don't -- I don't see that right now.

16 And so I -- I think people are looking at
17 their -- their interests in -- I think -- this
18 particular map I think there was a real attempt to
19 take advantage of this opportunity to create
20 majority minority or minority-influenced
21 districts, and I highly support that. I think if
22 there was some way to make a senate district that
23 way, I hope leadership will support that. But
24 when I look at this map overall, and, again,
25 especially as it relates to Dane County, I think

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1 this is -- the lines are in the right places.

2 REPRESENTATIVE DANOU: And I guess
3 just to follow up briefly, it sounds like what you
4 would like is a more open process at all levels of
5 government in how we redistrict, correct?

6 MS. BRUSKEWITZ: I can only speak
7 from my own experience in 2001 and again in 2011.
8 I don't see it happening, at least at the county
9 level.

10 REPRESENTATIVE DANOU: Again, so
11 what's wrong at the county level is okay at the
12 state level?

13 MS. BRUSKEWITZ: No, I'm not saying
14 that. I'm just saying that's the way it is.

15 CHAIRMAN VAN ROY: I think --

16 REPRESENTATIVE DANOU: Thank you.
17 That's all I needed here.

18 CHAIRMAN VAN ROY: Senator
19 Erpenbach.

20 SENATOR ERPENBACH: Yeah, real
21 quick follow-up. would you support just letting,
22 whether it's Dane County or Milwaukee County or
23 whatever, getting it out of the hands of the
24 supervisors and letting a panel of three judges,
25 for example. Same thing that I would support for

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1 the State, just letting three judges or five
2 judges or at least more than one judge draw the
3 maps, and that's it?

4 MS. BRUSKEWITZ: Senator Erpenbach,
5 I introduced in January -- no, it was back in
6 November of last year a resolution that would ask
7 the county board to appoint a committee such as
8 that, and my resolution was buried and died. And
9 I was so happy to see that Representative Hulsey
10 came up with the idea pretty much based on what I
11 had discussed. So I don't know what's going to
12 happen with his resolution. I know --

13 SENATOR ERPENBACH: Oh, I do.

14 MS. BRUSKEWITZ: Yeah, it's the
15 same thing that happened to my resolution.

16 SENATOR ERPENBACH: All right.
17 Thanks.

18 CHAIRMAN VAN ROY: Thank you very
19 much. Next we have state representative Brett
20 Hulsey, and then following that will be Kurt
21 Wilkins speaking against.

22 MR. HULSEY: Thank you,
23 Mr. Chairman, and that was a nice warmup, and that
24 was a great introduction. Great minds think
25 alike, I guess, but I'd like to thank you for this

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1 opportunity to be here this afternoon. And thanks
2 for holding it on this important issue on
3 redistricting.

4 I would like to sort of urge you to go back
5 to square one a little bit and support the
6 nonpartisan redistricting reform measure AB 198.
7 198 will actually fix many of the problems we're
8 dealing with here today because what it does is
9 the process we're seeing here today is sort of
10 the -- as we used to say bass-ackwards. You have
11 maps before you have hearings, and one of the
12 things the nonpartisan redistricting, which is
13 patterned after Iowa, does is actually go out and
14 have hearings beforehand to address many of these
15 local issues.

16 This project has -- process has gone on for
17 40 years in Iowa with Democrats and Republicans
18 and various controls in various houses in the
19 governorship and successfully allowed them to get
20 through their process much more quickly and at
21 much lower costs than we are here. Ten years ago
22 I believe we spent \$10 million on the
23 redistricting process. We already spent 100,000
24 this year. And by having a nonpartisan group, I
25 have Government Accountability Board and

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1 Legislative Reference Bureau do it, but I'd be
2 happy to talk about judges, you know, or some
3 mixture thereof to have a less partisan process
4 because what we're doing here today is sort of
5 like doctors operating on themselves. And they
6 don't allow doctors to do that. It's always a
7 painful process. Many times it doesn't turn out
8 well.

9 Redistricting reform saves money. It
10 restores confidence in people to the process, and
11 I think in the last seven months we've seen many
12 processes in this building highly suspect and
13 skeptical. The recent poll out today shows 60
14 percent of the people don't trust the state
15 legislature. 59 percent of the people don't trust
16 the governor, and this is one more thing we can do
17 to restore trust and faith in government.

18 And finally on the process that my colleague
19 brought up, I think if we lead by example here and
20 promote nonpartisan redistricting reform, I
21 believe all the units of government will do that.
22 One of the other things that applies to counties
23 is it also gives them time to come up with their
24 own lines so that we are conforming to local wards
25 as was current law and not forcing them to go back

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1 to square one and do that very expensive process
2 because many counties in local governments,
3 they've been doing this for months, and it will
4 respect local control.

5 So I urge you to table the maps before you
6 and have a hearing on AB 198 and redistricting
7 reforms. Thank you, Mr. Chair.

8 CHAIRMAN VAN ROY: Are there any
9 questions for the representative? Senator
10 Erpenbach.

11 SENATOR ERPENBACH: Thanks. I
12 guess I wasn't clear with Eileen. Do -- is Dane
13 County going to have to redraw lines?

14 MR. HULSEY: I have spoken to the
15 chair redistricting committee. They believe they
16 may have to redraw some lines.

17 SENATOR ERPENBACH: And you
18 probably don't know what the cost off the top -- I
19 mean --

20 MR. HULSEY: You know, it's not
21 cheap, and actually they're going through -- we're
22 going through the county budget right now saying,
23 "Are we going to have layoffs or are poor people
24 not going to get Meals on wheels?" I mean, of all
25 -- based on the hundreds of millions of dollars of

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1 state cuts to local government right now, this is
2 one more unfunded mandate so --

3 SENATOR ERPENBACH: Thanks.

4 CHAIRMAN VAN ROY: Representative
5 Danou.

6 REPRESENTATIVE DANOU: I'm just
7 curious. Do you have the data for the states that
8 have done these nonpartisan redistricting plans?
9 Do you have any -- I don't know you have them in
10 front of you, but what does it show typically
11 happens with elections and the effectiveness of
12 government? I mean, are there studies out there
13 that talk about that and have looked at that?

14 MR. HULSEY: I think Iowa, having
15 done it for 40 years, is a good example. They
16 have a pretty clean government reputation, one
17 similar to what Wisconsin used to have, but I
18 think Mr. McCabe and others from the democracy
19 campaign can speak to that more later on.

20 CHAIRMAN VAN ROY: Representative,
21 no more questions?

22 REPRESENTATIVE DANOU: No.

23 CHAIRMAN VAN ROY: Representative
24 Kuglitsch.

25 REPRESENTATIVE KUGLITSCH: Thank

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1 you, Chair, and thank you, fellow freshman,
2 Representative Hulsey. So I wasn't here last
3 session, neither were you, but it seems like last
4 session that if there was all this concern about
5 bipartisan redistricting and, you know, concerns
6 about how the whole process works, I would have
7 thought that possibly the party that was in
8 control at that point would have put these
9 programs in place.

10 It just seems now that the Republicans are in
11 control, all of a sudden now the other side wants
12 to kind of change the process, so just want to
13 kind of ask you on that.

14 MR. HULSEY: Sure, sure.
15 Representative Spencer Black introduced this last
16 year and -- or two years ago, and I think
17 obviously, as you know, when you're a party in
18 power you have, you know, priorities, and he
19 didn't get it passed. But I think we're
20 continuing the effort. It's good for us to
21 continue the effort to try to improve government.

22 As Congressman Obey said, you know, what
23 should we be doing here is the important question,
24 not what do we have to do, but I think some people
25 are wishing they probably passed it the last two

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1 sessions.

2 REPRESENTATIVE KUGLITSCH: You
3 mention that Iowa currently has this process that
4 you would like to follow up on. How many other
5 states have that process?

6 MR. HULSEY: I know there's
7 various --

8 MALE SPEAKER: There's a couple of
9 commissions out there. Arizona, California is
10 going that direction.

11 MR. HULSEY: Okay. If we get as
12 exact information as we --

13 REPRESENTATIVE KUGLITSCH: I was
14 asking you, but that's fine. So there's more than
15 just Iowa that have this.

16 MR. HULSEY: Right, there is a
17 judicial model I think some states have as well.

18 REPRESENTATIVE KUGLITSCH: But
19 that's different than Iowa's.

20 MR. HULSEY: Right.

21 REPRESENTATIVE KUGLITSCH: So I
22 just wanted to find out --

23 MR. HULSEY: Iowa uses the
24 nonpartisan --

25 REPRESENTATIVE KUGLITSCH: Right.

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1 MR. HULSEY: -- agency model.

2 REPRESENTATIVE KUGLITSCH: So what
3 I'm looking at is the one that you'd like to
4 follow is Iowa, and there's one state out of 50
5 that have it.

6 MR. HULSEY: No, there are several
7 other states. We'll get you the number when the
8 democracy campaign testifies.

9 REPRESENTATIVE KUGLITSCH: Okay.
10 Thank you.

11 CHAIRMAN VAN ROY: Representative
12 Danou.

13 REPRESENTATIVE DANOU: Since I was
14 here last session I will note that personally I
15 supported that approach, and I know a number of my
16 colleagues did. As you well know, unfortunately,
17 leadership are the folks that schedule bills and
18 move them, and leadership often, you know, in
19 retrospect makes decisions that we don't often
20 agree with, sometimes even if you're in the same
21 party together.

22 So from my perspective, I think Iowa, I
23 supported it last year. I'd support it again this
24 year, and I have some further ideas that I will
25 probably be introducing as we move along.

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1 CHAIRMAN VAN ROY: Thank you,
2 Representative.

3 MR. HULSEY: Thank you, Mr. Chair.

4 CHAIRMAN VAN ROY: Next we have
5 Kurt wilkins speaking against, and up is Fria
6 Newman from Milwaukee will be following the
7 gentleman.

8 MR. WILKINS: All right. Thank you
9 for your time. I'm just going to make it really
10 short. A lot of the things that I would like to
11 talk about have already been said earlier. I've
12 been here and listening. So there's a few things
13 that I wanted to give you my opinion about is it
14 seems like a constitutional value and right that
15 people should select their representatives in
16 government, and it looks to me like the whole way
17 the whole system is going here now is like the
18 reverse of that.

19 I think that for this to move so fast is very
20 inconsiderate to the local governments, and it's
21 almost like political bullying. And I hear the
22 people from Madison and Milwaukee talking about
23 this, and it seems like kind of the cart before
24 the horse where to have proper representation, it
25 should be done on a smaller level first and then

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1 build up from there.

2 I haven't seen any indication here that these
3 maps don't have a major political agenda, and, you
4 know, I don't think that's a good thing. I guess
5 my recommendation would be to give it more time.
6 Like somebody mentioned, what happens here in
7 basically one week of legislation is going to
8 affect the state and the citizens for the next ten
9 years, and I think they merit more respect than
10 just to run something through in a hurry than more
11 consideration from other people and all the
12 citizens involved.

13 CHAIRMAN VAN ROY: Thank you very
14 much for coming.

15 MR. WILKINS. Thank you for your
16 time.

17 CHAIRMAN VAN ROY: Next we have
18 Fria Newman speaking against coming from --
19 (speaking Spanish)

20 CHAIRMAN VAN ROY: Shawn Pfaff will
21 be up next after that.

22 MS. NEWMAN: Good afternoon,
23 everyone. It's a pleasure to be here and be able
24 to see the decisions that impact the public. So
25 my name is Fria Newman, and I am here on behalf of

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1 Voces de la Frontera to raise my voice as a
2 concerned citizen. I worked for almost 30 years
3 for the Milwaukee Public Schools as a teacher and
4 as an administrator before retiring on June 30th
5 of this year.

6 Just to give you a little bit of background,
7 and at the end I will share the newspaper with
8 you, by the way, that is a bilingual newspaper,
9 and it is in Spanish and it is in English. Voces
10 de la Frontera is the largest Latino membership
11 organization in Wisconsin, and it has been
12 actively involved in the redistricting process of
13 the City of Milwaukee.

14 A couple of weeks ago I attended a
15 redistricting hearing in Milwaukee, amazing, a
16 process that, even though there was a heated
17 debate, was refreshingly transparent; an example,
18 ladies and gentlemen, how democracy should work.
19 This is in contrast to the redistricting efforts
20 currently on the way at the state level, which
21 having taken place in a veil of secrecy. Why? We
22 don't have the answer.

23 The map was only made available to the public
24 last Friday, and the hearing -- the hearing is
25 being held today. Wisconsin residents have not

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1 been given the opportunity to evaluate and
2 understand the proposed redistricting map and its
3 implication. By listening this morning and
4 watching the presentation of the map, we see that
5 we stand -- Voces de la Frontera stand in
6 solidarity with NAACP and the African-American
7 community.

8 why do we do that? Based on the limited data
9 available, it appears the proposed redistricting
10 map violates the civil rights of the
11 African-American community after they are being
12 pushed out of the majority Republican district.
13 We need to look carefully at that map that needs
14 to be studied.

15 we demand a process that is transparent and
16 protects the civil rights of African-Americans,
17 Latinos and all Wisconsin residents. We
18 request to be given two to three weeks' time to
19 access and review this information to ensure that
20 marginalized communities are given the opportunity
21 to participate in a democratic process.

22 Before I conclude my saying, I do want to
23 apologize to everybody and to everyone, because I
24 hope it's not taken the way that it may sound. So
25 I would like to conclude by stating that as a

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1 naturalized U.S. citizen who swore to uphold the
2 democratic principles for which our nation was
3 founded, I call on all of you, ladies and
4 gentlemen, as elected officials, to do the same as
5 you would with the redistricting. Thank you very
6 much.

7 CHAIRMAN VAN ROY: Yes,
8 Representative Zamarripa.

9 REPRESENTATIVE ZAMARRIPA: Thank
10 you, Mr. Chair. Thank you, Ms. Newman, for coming
11 to testify today, and I just want to clarify.
12 Earlier a gentleman talked about how Latinos have
13 been working, he's read about it in the Hispanic
14 newspapers, and this is great. I'm so happy that
15 you brought copies of the current issue, Voces
16 monthly publication. Voces is a very popular
17 community paper in my district, in the 8th
18 District.

19 The redistricting that is covered in the
20 Voces newspaper is regarding the local
21 redistricting, the city level. And so the
22 gentleman earlier, who I see is still with us, was
23 referring to that. There has been a lot of talk
24 in the Latino community because of the wonderfully
25 transparent process that the City of Milwaukee

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1 went through with their redistricting efforts, and
2 it was covered widely in Voces de la Frontera, El
3 Conquistador, and the like.

4 So I'm glad you brought a copy and you can
5 distribute to the members of the committee so that
6 they can see, yep, there was absolutely dialogue
7 in the Latino community around redistricting, not
8 at the state level. It was around the
9 redistricting at the local county, some at the
10 county level, and also at the school district
11 level.

12 The statewide level redistricting, as we all
13 know, was available at the end of the day this
14 past Friday, so you won't find that covered in
15 this newspaper. If that could be distributed by
16 one of our pages, that would be great.

17 MS. NEWMAN: Definitely I will do
18 that, and thank you very much.

19 CHAIRMAN VAN ROY: Thank you. Next
20 we have Shawn Pfaff, the mayor of Fitchburg, and
21 following him will be Jerome Ryan -- Jeremy Ryan,
22 excuse me, from Madison.

23 MR. Pfaff: Good afternoon, and
24 thank you, Mr. Chairman. My name is Shawn Pfaff,
25 and I'm the mayor of Fitchburg. Fitchburg is the

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1 community immediately to the south of Madison. We
2 share our northern boundary with the City of
3 Madison. Go out Park Street or Fish Hatchery
4 Road, you'll be in Fitchburg. I want to thank
5 Senator Risser and Senator Erpenbach for your
6 years of service, and under this map Senator
7 Risser will no longer represent the City of
8 Fitchburg.

9 I don't come here with partisan labels, which
10 is nice as mayor. You get to be a nonpartisan
11 mayor. I come to you to talk about Fitchburg's
12 unique story, and kind of what fits into what
13 Fitchburg is as a community. You're having passed
14 out to you right now by the page staff, it's my
15 testimony but also some maps that we've worked on.

16 As you know, Dane County has really grown.
17 There's no question Fitchburg has seen incredible
18 growth in the last ten years especially.
19 Fitchburg is a very diverse community. We were
20 originally a township that has fought a huge
21 battle with the City of Madison and others to
22 become our own city nearly 30 years ago. So in my
23 city limits I have a diverse community. It's 35
24 percent minority. I also have farmers that live
25 in the City of Fitchburg. We have some of the

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1 wealthiest people in Dane County and some of the
2 purest. So it's a very diverse community.

3 We took redistricting very seriously in the
4 city. I was elected in April, and one of the
5 first big tasks that I had to do was create a
6 redistricting committee. You may know the woman
7 that I asked to chair the committee, a woman who
8 was just elected to the Fitchburg City Council for
9 a second time, Denise Solely, who many of you know
10 in the capitol. She asked if she could chair our
11 committee.

12 The committee I appointed had six other
13 members from the public, four from the different
14 aldermanic districts that we have. We have two
15 alders per district; at-large member, Francis
16 Huntley Cooper, who was the first African-American
17 mayor in Fitchburg; and our Hispanic leader in
18 Fitchburg named Cora Higgenbotham. We also had a
19 rural, a farmer, sitting on the committee, so it
20 was a wonderful group that we had.

21 It was an open and transparent process, and
22 you can go on our city's website. We took it
23 very, very seriously. One of the goals that I had
24 in that was, A, to be transparent, but, B, to do
25 what we could do to reflect the new Fitchburg, if

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1 you will. And as you see in the maps in front of
2 you, we are a very diverse community, 35 percent
3 diverse of the 25,000 people proportionally, and I
4 believe we are more diverse than the City of
5 Madison.

6 We have nearly 5 -- more than 5,000 Hispanics
7 and more than 2,000 African-Americans. The goal
8 of the committee was created by them, not by me.
9 I'm glad that they did. I encouraged them to
10 think big. They wanted to create as many majority
11 minority districts as they could. Some of the
12 things that have happened recently in Fitchburg in
13 redistricting is we continue to grow. A lot of
14 new sub-developments that my wife and I moved into
15 ten years ago have encroached on some of the new
16 rural areas but have also taken away some of the
17 representation from some of the more urban parts
18 of our city on North Fish Hatchery Road and over
19 on the Allied Drive area.

20 So the group came up with a map that we were
21 very proud of. We played by the rules. We went
22 through an open, transparent process, and we were
23 ready last night at our council meeting to go
24 through what the maps looked like. We will have
25 had two I believe majority minority districts. In

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1 fact, we have put four of our alders against each
2 other, which is great as a mayor, knock a couple
3 of those guys out. Anyway, I'm just joking, of
4 course, half-joking, but anyway, you get a map
5 that we think is current and that really was a
6 local nonpartisan process.

7 what makes Fitchburg even more unique besides
8 its roots, its diversity, its township roots and
9 its diversity, we have three different school
10 districts. The second colored handout -- I think
11 it's colored. My copy is colored -- is the three
12 school districts in Madison. Senator Erpenbach
13 knows this story well about Fitchburg and its
14 three school districts. We have Madison, Oregon
15 and Verona.

16 So what we have in front of you is a
17 community that tries hard to reflect its
18 diversity, but we are stuck here. We are stuck
19 because the local -- the locals going first, if
20 you will, has allowed us to create two majority
21 minority districts, but now we can't -- we can't
22 get that map, Mr. Chairman, because of the minimum
23 requirement that you have per ward, which is 600.

24 And on the school district map you'll see the
25 census tracks; but on the other map I've given you

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1 is the new senate districts and the new assembly
2 districts, and then you have the school districts
3 overlaying the top of that as well as the county
4 board. And so what we have here is our city
5 clerk, I'm sure she's watching this testimony as
6 we speak, she's trying to figure out which ballots
7 go to which people in Fitchburg.

8 But also it's hard for us to create those
9 districts that we want to create which we think
10 reflects new Fitchburg because we can't grab the
11 right amount of census tracts to really not fall
12 into problems with the deviation, if you will.

13 So, again, I'm not here to be partisan. I'm
14 not here to be political. I'm here to ask if we
15 could possibly -- I know my colleague,
16 Representative -- or Alder Soley has reached out
17 to Representative Ballweg and had a brief
18 conversation about possibly looking into this for
19 us. I think if we could have a little bit of
20 flexibility in the minimum size boards within a
21 city that has multiple school districts so it's
22 very tight, we could have very much a map that has
23 four aldermanic districts. We have two alders per
24 district that would represent a very urban
25 Fitchburg and also a very rural Fitchburg because

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1 that's what we are as a city.

2 So I appreciate your willingness to let me
3 testify. I had our city planning department put
4 together these maps for you. We got a lot of
5 stuff online that you could certainly look at. I
6 don't think we're asking for a lot here, but I do
7 think it's one of these examples where the locals,
8 we kind of stepped up, we knew what the rules
9 were, embraced it, we were transparent, we were
10 public, we had a committee that many of the people
11 didn't even know each other.

12 And our community of Fitchburg, as Senator
13 Erpenbach knows, is still kind of a big small
14 town, so everybody knows each other but truly was
15 such a diverse community that they didn't really
16 know each other, and they were really proud of
17 their final work product.

18 It is what it is. We're asking for a change.
19 You know, there's a bigger issue at stake than
20 little old Fitchburg. But we don't think we're
21 asking for a lot, so I appreciate you letting me
22 testify, sir.

23 CHAIRMAN VAN ROY: Senator
24 Erpenbach.

25 SENATOR ERPENBACH: Thanks. Shawn,

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1 are you the only city basically dealing with three
2 school districts?

3 MR. PFAFF: Senator Erpenbach, I
4 think that is true. I can have my city attorney
5 check. But I think we're very unique in a sense.
6 I think De Pere, I think Chairman Van Roy I think
7 knows, has two, but we are dealing with three.
8 And so that's what really, Jon, when you come --
9 Senator, when you come in a polling place, "what
10 part of Swan Creek do you live in? Do you live in
11 Senator Erpenbach's area or do you now live in
12 Senator Miller's area?"

13 SENATOR ERPENBACH: Yeah, or
14 Miller's area, because if they're not voting for
15 me, obviously not in my district. Just kidding.
16 How much is it going to cost Fitchburg if you have
17 to redraw lines?

18 MR. PFAFF: I don't know if we have
19 those exact numbers. We've got a pretty good
20 staff that can do a lot of the computer work, if
21 you will, and move maps around and things like
22 that. But we would have to reconvene our
23 committee again. We'd have to pull our volunteer
24 group together again. Of course, city maps are
25 determined by the governing bodies, so we could

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1 decide to go in a different direction at a council
2 level, but as mayor I've committed to stick to the
3 process.

4 I know my fellow alders have as well. John
5 Soley would probably have to go back once or twice
6 to figure out the final map, but the key is when
7 do we do those? What is the timing? So we're
8 kind of a little bit in limbo here.

9 SENATOR ERPENBACH: I know you --
10 the process is fairly long as far as process goes,
11 and it was very long. You'd have to go through
12 the same thing again you think or would you be
13 more limited?

14 MR. PFAFF: I think what we do is
15 we would have to be a little more limited because
16 of the school districts and the way we have to
17 true-up our ward maps with our school districts
18 because you can't have people that are in your
19 senate district that live in the Madison School
20 District, and it's just -- it's just a very
21 confusing issue.

22 So I think we can get there. Like I said, my
23 colleague Denise, she knows her way around, knows
24 how to -- is helping us in suggested language if
25 the committee's interested in that, Senator and

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1 Mr. Chairman, so --

2 SENATOR ERPENBACH: Thanks.

3 CHAIRMAN VAN ROY: Representative
4 Danou.

5 REPRESENTATIVE DANOU: Is this -- I
6 know it sounds like you've got a fairly unique
7 situation, but we're seeing media reports. Are
8 there other local officials you've heard from that
9 say this is also a problem for them?

10 MR. PFAFF: I think what I would
11 hear, just through what I have read in brief
12 conversations, is that a lot of locals, we follow
13 the map, the 60 for the county, the 60 for the
14 city, and so we were pretty strict to that. My
15 city clerk when I was first elected in April,
16 first week in May, she started saying, "Shawn,
17 we've got to think about what your redistricting
18 committee looks like."

19 Dane County, I think Representative Hulsey is
20 gone or maybe Supervisor Bruskewitz is still here.
21 They approved a tentative map on June 16th, so if
22 the 60-day clock continues, we have until August
23 15th-16th, if you will. Our next council meeting,
24 those of you in local government know, is the
25 capitol-improvement budget, which is just an

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1 all-night affair. So we probably can't take it up
2 then, but we have to for sure take something up by
3 August 9th, which, you know, we want to make sure
4 we do our due diligence to give our community a
5 chance.

6 But the other thing, too, the city clerk just
7 reminded me of, we have to post this twice in the
8 paper so the public knows. So we may have to post
9 a hearing in Fitchburg without knowing what our
10 exact maps are. Is that the end of the world?
11 No. Is that good for public trust and government?
12 Concerns me a little bit. So those are the
13 real-life logistical things we've got to do based
14 on what you folks decide here on this map. And I
15 understand the 50,000-foot-level argument very
16 well. I get it.

17 I come here as an active mayor, a mayor
18 that's kind of day-to-day governing and just
19 trying to figure out what you want us to do. We
20 think we've got a good map. We think it reflects,
21 like I said, modern Fitchburg, and we hope you'll
22 take a look at it.

23 CHAIRMAN VAN ROY: Representative
24 Ballweg.

25 REPRESENTATIVE BALLWEG: Thank you,

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1 Mr. Chairman, and thank you, Mr. Mayor, for coming
2 to testify today. Your letter says that you want
3 to be able to create wards of the minimum
4 population of 300. What's your -- the number that
5 you're shooting for given, you know, very less --

6 MR. PFAFF: Yeah, I think in the
7 northern part of our city, Representative Ballweg,
8 kind of the map there, North Fish Hatchery Road
9 area, there's some census cracks up there that are
10 a couple hundred that we would want to use as a
11 ward so we could keep an apartment complex for
12 other areas, kind of like economic people, if you
13 will, from one area instead of taking minimum 600,
14 having to grab that whole census crack, move it
15 into a sub-development, a new development where
16 there tends to be more homogeneous families.

17 So I don't know the exact number, but I think
18 the number 300 is close to where we're at. I
19 don't think we'll go below that, of course, but I
20 think we're in that 3 to 500-people range, but the
21 minimum right now I believe is 600. And the max
22 is 2,000 or something like that. I don't know if
23 my numbers are right but -- 2,100, thank you.

24 CHAIRMAN ZIPPERER: Representative
25 Bewley.

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1 REPRESENTATIVE BEWLEY: Thank you,
2 Mr. Chairman. Thank you, Mr. Mayor. I want to
3 thank you for coming here today because, in fact,
4 so many communities are like Fitchburg around the
5 state. Their needs might not be exactly yours,
6 but every community is complicated. And also
7 every community is made up of dedicated citizens
8 who have worked very, very hard on this process.

9 And I just want to say I'm grateful that you
10 didn't pack up the family and go camping at noon
11 on Friday because you could have left and come
12 back, and it would have been all over by the time
13 you got back.

14 MR. PFAFF: The text messages were
15 buzzing. I will tell you that.

16 REPRESENTATIVE BEWLEY: well, okay.
17 Thank goodness for text, but, I mean, indeed the
18 process is so quickly that if someone were to
19 leave for a vacation, they could come back, and it
20 would be too late. It would be done, and I want
21 to thank you for that.

22 But what happened if we aren't able to make
23 the adjustments, and are you suggesting that we
24 just have an amendment? I mean, we are -- we are
25 lucky that you are here because we have one thing

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1 we might be able to fix, one small thing, but
2 there are hundreds of Fitchburgs. What's going to
3 happen to them, do you think?

4 MR. PFAFF: Well, I think what
5 would concern us is that we would lose -- we
6 would -- of course, alders and state
7 representatives, senators, you represent
8 everybody, of course, so people call you, you
9 respond to that, you react to that, but we would
10 lose a chance to have a majority minority district
11 in our city that would represent people from
12 certain economic -- you know, good indication,
13 certain economic places in life, if you will.

14 We have a very diverse economic population in
15 Fitchburg. If we can't do this, we're going to
16 have to take a few, for lack of a better term,
17 some of those apartment complexes and put them
18 into Swan Creek's areas, which is the, you know,
19 middle class, white suburbs, if you will, and
20 you'll kind of lose that voice.

21 And so the other thing is that it's just one
22 of those things where a lot of our services go in
23 the northern part of our city because we border
24 the City of Madison. We do a lot of the shared
25 services with the City of Madison, fire calls,

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1 police calls in that area up there, and all, you
2 know, healthy city stuff that we should do as city
3 leaders, but it's good to have that voice, if you
4 know what I mean.

5 we have a Leopold school, which is an anchor,
6 one of the anchors in the northern part of our
7 city. With Madison School Districts, we do a lot
8 of outreach programs with them, a lot of leaders
9 that are part of the PTO that want to get involved
10 in city government. This will give them a shot to
11 run; 25,000 people but 5,100 Hispanics, more than
12 2,000 African-Americans. It's a very diverse
13 community. I'm proud of that. I would love to
14 have our map embrace that.

15 REPRESENTATIVE BEWLEY: Thank you.

16 CHAIRMAN VAN ROY: Representative
17 Zamarripa.

18 REPRESENTATIVE ZAMARRIPA: Thank
19 you, Mr. Chair. Thank you, Mayor Pfaff, for
20 coming to testify today. A couple things I wanted
21 to touch on regarding your testimony, and that is
22 if Senate Bill 150 passes, that does allow the
23 overriding of ward lines that local governments
24 like yours have invested a lot of time, energy and
25 resources into; is that correct?

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1 MR. PFAFF: It is correct, and all
2 of it, Representative, is on our city's website so
3 the public can watch it online, and our local TV
4 covered all the stuff and they replay them on the
5 Public Access Channel.

6 REPRESENTATIVE ZAMARRIPA: So I
7 see. In addition to affecting my City of
8 Milwaukee, I appreciate hearing about how it
9 affects Fitchburg. I know I mentioned earlier the
10 money that my city's already invested in
11 redistricting, and now the amount of money that
12 we'll have to spend to essentially have to start
13 from scratch if SB 150 does pass.

14 And I also wanted to let you and the rest of
15 the committee know that I did receive some
16 testimony, and I've had it distributed from South
17 Side Organizing Committee, which is a nonprofit
18 organization that serves my district as well
19 Representative Josh Zepnick's district. And they
20 have expressed very similar sentiments to yours,
21 and I just have to read this one statement to you
22 from Director Steve Fent.

23 He asked -- he says, "We ask the State of
24 Wisconsin to help us in these efforts and to stop
25 interfering with systems and agreements that have

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1 been put in place by our locally elected officials
2 and have withstood the test of time." I think
3 asking simply that we don't slice into ward lines
4 to wards that were drawn by local officials like
5 yourself, I don't think that's too much to ask,
6 and I think that what happens here is where you
7 circulate the local control and I think that --
8 isn't the majority party, haven't you been about
9 not asserting local control? And I just had to
10 point that out.

11 MR. PFAFF: I would just briefly --
12 not to get partisan here, but I would briefly say
13 that I asked the alders -- kind of dangerous in
14 this business to think out loud in the mayor's
15 chair -- "You guys want me to come down here to
16 testify, and you guys want me to do this?" And
17 even citizen members who I asked to come, prior to
18 Thursday we have to have our agenda out, and this
19 map came out on Friday. So we had invited -- and
20 many of them showed up last night, and they all
21 said, "Go down there and see what you can do.
22 This is a good map. This is a community project,
23 something we're proud of."

24 We had our farmer sitting right next to our
25 Hispanic leader and one of our old senior citizens

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1 that's in the northwestern part of our city on the
2 committee as well, and so they all agreed with my
3 eight alders that I should come down here and
4 testify. So I stand here, I think, pretty united
5 voice. I mean, we'll figure it out. If you guys
6 decide not to do this, we'll figure it out if we
7 have to.

8 But we come here asking for -- you know, take
9 a look at something because all these unique
10 situations pop up. I know you guys know that, so
11 I thank you for letting me testify.

12 CHAIRMAN VAN ROY: Thank you very
13 much.

14 REPRESENTATIVE ZAMARRIPA: I have
15 one more question, I'm sorry, Mr. Chair.

16 CHAIRMAN VAN ROY: Proceed.

17 REPRESENTATIVE ZAMARRIPA: I just
18 again want to point out, you said that there was
19 potentially a chance to have two minority majority
20 Common Council districts in your city.

21 MR. PFAFF: Yes, I'm 98, 99 percent
22 sure, yeah, yes. What we did was the committee
23 wanted to do two things. One, they wanted to
24 allow for that opportunity for the minority
25 majority district to occur but also allow for a

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1 rural area as well. We have farmers in Fitchburg.
2 I have a dairy farm, you know, six dairy farmers
3 in the City of Fitchburg. We wanted to have the
4 opportunity for the rural folks to have a chance
5 too. Because of land-use decisions and
6 environmental issues, there's a little bit of
7 conflict between rural folks and more urban
8 suburban dwellers.

9 And so I really wanted to make sure the rural
10 folk were heard as well, so the map was drawn in a
11 way that kind of reflected that we have that
12 majority minority district, and we also have a
13 chance for the new sub-development, not to squash
14 out a lot of the rural families that have been
15 here, been in Fitchburg since statehood, frankly.

16 And so it was an interesting puzzle piece.
17 These three school districts, ward maps, different
18 assembly districts, all of this stuff really kind
19 of puts us in a box because we wanted to set it on
20 the front end and hopefully let you guys layer in
21 over the top, which has been the practice in the
22 past. So that's kind of how we wanted to do it.

23 REPRESENTATIVE ZAMARRIPA: So now
24 with the redistricting efforts, if this
25 redistricting --

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1 MR. PFAFF: We will have I believe
2 one barely minority majority district.

3 CHAIRMAN VAN ROY: Thank you,
4 Mr. Mayor. Next we have Jeremy Ryan from
5 University Avenue in Madison; on deck, Kenneth
6 Green from West Allis, Wisconsin.

7 MR. RYAN: You know, there's many
8 ways to cheat. You can cheat at a game of
9 Monopoly. You can steal some money from the
10 banker. You can cheat on your wife, as we saw
11 with Randy Hopper. You can cheat an election.
12 Now, this is what I'm going to talk about today is
13 how you go ahead and you cheat elections because
14 we've seen a lot of this kind of thing this past
15 year.

16 And in 2006, that was the first election I
17 ever voted in, and I had voted. And I was told
18 that Wisconsin had a very fair and very honest
19 election system, and this year we've seen it
20 pillage from every single angle and literally
21 raped every way that you can. You sit here, and
22 you vote like sheep. And you follow your leaders.
23 You follow your money. Maybe if I said I was
24 David Koch you'd pay a little more attention; but
25 you sit here, and you tilt the tables in every way

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1 that you can.

2 we have waukesha County which is a fact that
3 is either gross negligence or election fraud, but
4 how many human errors can you have before you get
5 it to look like election fraud, ballot bags wide
6 open? No one will ever really, really know if,
7 you know, this person who likes to abuse women is
8 really the Supreme Court justice. We'll never
9 know.

10 And that should be concerning on its own, and
11 then you table amendments that will fix that. And
12 then we have the recalls, and you're sitting here
13 as a majority party buying shots for recall
14 signatures, getting people intoxicated just so
15 that they'll sign your sheet to try to get numbers
16 out.

17 And then you put up fake candidates, which is
18 questionably illegal but certainly unethical.
19 That's not even in question. And then things
20 still aren't going your way. You lose all of
21 those elections. Things still aren't going your
22 way, and you realize, "wait a second. Maybe the
23 people are upset." And so now you want to
24 gerrymander and switch these districts around to
25 at least try to keep some form of -- some form of

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1 your parties still in place.

2 And that's just wrong, and I don't care
3 whether Scott Fitzgerald or Jeff Fitzgerald or
4 Bill Kramer or any of those other arrogant rich
5 men, who don't really know or care about the
6 people, tell you what to do; although, I do
7 realize that that's all you care about. But what
8 I do care about is the fact that maybe you should
9 look back at your history, and at some point in
10 your life your parents should have told you that
11 you should play by the rules, and you should keep
12 things fair.

13 Life isn't fair, but that doesn't mean we
14 should go as far away from it as possible. That
15 doesn't mean we should try to tilt the tables to
16 keep people in mind after passing a state budget
17 that screws over every single citizen that makes
18 less than \$100,000 a year, and, you know, I just
19 want to let you know that if you think tilting the
20 tables in this way and the other ways that we've
21 seen making it harder to vote than to carry a gun
22 and, you know, if you think tilting those tables
23 is going to help you win elections, you're wrong
24 because once people no longer have jobs because
25 every single thing that you've done hasn't really

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1 created any jobs, once people no longer have
2 services for their disabled children, once they
3 have horrible healthcare, once doctors start
4 cutting off the wrong leg and then they admit it's
5 the patient's and it can't get admissible in
6 court, once -- you know, once people -- students
7 can't vote because not a single student can vote
8 in the primary now because of AB 7, these are all
9 facts, and most people start realizing the effects
10 of this stuff that you're passing, let's just say
11 you think Act 10 was big, just wait. And you
12 don't stand a chance in hell whether you
13 gerrymander or not. So enjoy. Get back to your
14 cell phones.

15 CHAIRMAN VAN ROY: Next we have
16 Kenneth -- is Kenneth here? Following is Andrea
17 Kaminski, Madison, League of Women Voters.

18 MS. KAMINSKI: Good afternoon.
19 Thank you for this opportunity to speak on behalf
20 of the League of Women Voters. For 91 years the
21 League has advocated for equal representation and
22 electoral integrity, and each decade the league
23 has devoted much attention to reapportionment and
24 redistricting.

25 As a nonpartisan citizen organization, the

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1 League represents no special interest but the
2 general well-being and political representation of
3 the people of Wisconsin. In the past 18 months
4 our state and local leagues have sponsored more
5 than a dozen public forums on redistricting in
6 Wisconsin to educate voters.

7 League members are serving on county
8 redistricting committees, and two league members
9 recently filed a petition in Brown County Circuit
10 Court with a plan for that county's supervisory
11 districts. Like other concerned citizens, League
12 members have been doing this because they believe
13 in fair and representative government, and they --
14 that is the reason they devoted countless
15 volunteer hours.

16 At the state level the league has advocated
17 since 1981 to have a nonpartisan or bipartisan
18 entity draw new congressional and legislative
19 district maps. What's being proposed in the bills
20 that you're considering today is not simply a
21 matter of flouting some of the technicalities of
22 our laws and traditions. Rather, these proposals
23 turn our state's process of government into a
24 charade and weaken its foundation.

25 The strength of our form of government stems

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1 from the people believing that their elected
2 representatives have the public's interest at
3 heart, not their own personal interest. These
4 proposals defy that principle. We offer the
5 following additional comments. The process and --
6 the process and timing outlined in these bills
7 show no respect for the local government officials
8 and citizens who have been working for weeks to
9 develop local redistricting plans.

10 Traditionally and by law they are allowed to
11 develop local district maps before the state
12 legislature weighs in. Yet, these bills propose
13 specific district maps and simply state that if
14 the local plans are not consistent with these, the
15 local governments will have to adapt at their own
16 expense. And so much for all the hours that
17 citizens put in on a volunteer basis. These bills
18 change the rules midway through the process and
19 are an insult to the people who know their
20 communities the best.

21 Two, the league does not believe for a minute
22 that it's a coincidence that these maps were
23 introduced on the Friday afternoon before the
24 first of a series of recall elections. As if it
25 is not bad enough that voters and local officials

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1 had to adapt in a few short weeks to a restrictive
2 new election law, now the sponsors of these bills
3 are turning the traditionally grass-roots
4 redistricting process upside down with a top-down
5 big government proposal in the midst of the recall
6 elections. The shameful result, and we believe
7 the purpose of this, is to further confuse voters
8 and suppress participation in the elections.

9 Three, Wisconsin's elections over the past 15
10 years have shown our state to be pretty evenly
11 divided politically. Indeed, most Wisconsinites
12 are independent voters. Any redistricting map
13 should reflect the tenor of the state and not be
14 concerned with the tenure of current elected
15 officials.

16 The goals should be to provide the best
17 possible representation for citizens who, by the
18 way, are tired of elected officials who are so
19 polarized that they can't even work together
20 without spurring multiple recall elections. We
21 urge you not to rush this once-a-decade process
22 for partisan gain. You should hold properly
23 noticed public hearings around the state, open
24 meetings and maintain full transparency so
25 citizens can participate and have faith in the

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1 outcome.

2 I loved the description of how Fitchburg has
3 done this with great transparency. Citizens
4 should have time to consider alternate maps
5 developed by nonpartisan groups as well which
6 offer legitimately drawn districts that do -- that
7 preserve communities of interest, substantial
8 equality of population and also offer greater
9 competitiveness.

10 Last, you think the League of Women Voters is
11 criticizing the proposed plan because of partisan
12 preference. I assure you that we've advocated for
13 decades to place the redistricting process in the
14 hands of a nonpartisan entity. We have in our
15 office a 1989 letter from then assembly majority
16 leader Dave Travis, who assailed the league for
17 being pro-Republican. At least in the past
18 redistricting has been carried out with a divided
19 legislature which resulted in a modicum of
20 balance.

21 The fact is while control of the legislature
22 has changed, the League's position has not. The
23 need for nonpartisan redistricting is only made
24 more obvious by the poorly timed introduction of
25 these clearly gerrymandered maps that are in SB

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1 148 and SB 149.

2 We urge you to reject these proposals and
3 make this year's redistricting process one that
4 you could be proud to tell your grandchildren
5 about in the future. Thank you.

6 CHAIRMAN VAN ROY: Representative
7 Bewley.

8 REPRESENTATIVE BEWLEY: Thank you.
9 Could you please describe the process by which you
10 came to write this letter? I know that there are
11 League chapters throughout the state. Are you
12 speaking on their behalf or is this strictly from
13 your perspective, your group?

14 MS. KAMINSKI: The way the League
15 adopts positions is that we go through a process
16 of studying an issue. It can take a long time.
17 It can take up to two years, but in that process
18 we study the issue, and our members study the
19 issue while educating the public in their
20 community by inviting speakers of all sides to
21 come in and speak at forums.

22 We do look at all sides, and then through a
23 process of consensus we go through a
24 member-agreement process and then adopt a
25 position. The position in favor of nonpartisan

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1 redistricting was back in 1980.

2 REPRESENTATIVE BEWLEY: And what
3 about the position in opposition to these bills?

4 MS. KAMINSKI: That is done -- what
5 we do is once we have the broad positions, and
6 this relies on our positions in favor of open
7 government, public participation and equal
8 representation and electoral integrity, we drew on
9 all of these broad positions, and what I do is I
10 am the executive director and lobbyist for the
11 group. I work with my board, my legislative
12 committee, and it's not just something that comes
13 out of, you know, an afternoon's discussion.

14 REPRESENTATIVE BEWLEY: Thank you.

15 CHAIRMAN VAN ROY: Thank you very
16 much.

17 CHAIRMAN ZIPPERER: Thanks. Next
18 we have Thomas Krajewski of Madison, Wisconsin,
19 speaking against; and on deck, Mike McCabe,
20 Wisconsin Democracy Campaign. Welcome.

21 MR. KRAJEWSKI: Thank you. Good
22 afternoon, Chairman, members of the committee. I
23 admire your stamina. First of all, welcome to
24 your house. It pains me to say that, but clearly
25 you own this house. It pains me because my

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1 grandparents built this house. They built it
2 along with three million other Wisconsin
3 taxpayers. They didn't build it for you. They
4 built it for all Wisconsin taxpayers. They built
5 this house of the people, by the people and for
6 the people, and that's a good thing for any
7 resident of this house to keep in mind.

8 Now, to the bills at hand. This is -- this
9 is a joke, right? You do wacky things, and we
10 react with anger. We need to understand what
11 you're doing and laugh, not attempt to match your
12 humor. You pay lawyers to draw these maps. Most
13 people hire geographers to draw maps. You paid
14 lawyers a reported \$300,000 to draw these maps.
15 Before you're done it will likely be \$500,000 to
16 draw these maps. Next thing you will be telling
17 us that it costs \$7.3 million to tape them
18 together. We should recognize the joke for what
19 it is.

20 In 1970, as an undergraduate at UW-La Crosse,
21 I took a class in political geography. Compact
22 and contiguous were beat into our heads. When
23 reapportioning legislative districts, they need to
24 be compact and contiguous. A fourth grader could
25 draw maps that are more compact and contiguous.

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1 Even more often we heard any damn fool can draw a
2 line on a map. Any damn fool can draw a line on a
3 map.

4 You can find examples all over the world.
5 We're now engaged in three wars in the Middle East
6 as a result of fools drawing lines on maps, and
7 you've given us a great example right here in
8 Wisconsin. This is a joke, right? Racine and
9 Kenosha Counties are split. Sheboygan, Sparta,
10 Marshfield, Clintonville are split. Clintonville,
11 a city so small that most people in this room
12 couldn't even find it on a map, is split.

13 Any damn fool can draw a line on a map. What
14 a great demonstration you have provided. You paid
15 lawyers \$500,000 to draw maps that are so
16 ridiculous a fourth grader could see it. The
17 process is a joke. These maps are a joke, and I
18 expect you will soon pull out another set of new
19 and improved maps that will be marginally better.
20 And you will say "See? We've listened." These
21 maps are a joke, and we ought to have the good
22 sense to laugh. Thank you.

23 CHAIRMAN ZIPPERER: Any questions?
24 Thank you. Up next, Mike McCabe, Wisconsin
25 Democracy Campaign, speaking against. On deck,

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1 Dan Thompson, League of Wisconsin Municipalities,
2 speaking for information only. Welcome.

3 MR. McCABE: Thank you. In a
4 Democracy voters are supposed to choose their
5 representatives, not the other way around, and the
6 redistricting plans that you have before you do
7 violence to that bedrock principle of democracy.
8 The congressional and state legislative
9 redistricting plans that you're considering are a
10 Republican gerrymander, pure and simple. That is
11 patently obvious. One measure of how patently
12 obvious it is that this is a politically inspired
13 maneuver came from a Neillsville radio station
14 which is reporting that the local -- a local
15 Republican party official in Clark County is
16 calling this plan unethical, and he's quoted as
17 saying, "There's something called integrity.
18 Things should be done properly" and obviously
19 feels that the plan before you falls far short of
20 that standard.

21 Now, there's a real measure of what a
22 preposterously political charade is occurring here
23 is when a local Republican party official in Clark
24 County looks at it and says, "This is unethical on
25 its face." That speaks volumes. Now, the mere

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1 fact that we're here, the mere fact that all of
2 you are here also is an act of violence against
3 local control, and it is contrary to existing
4 state law.

5 By law state redistricting is not to be done
6 until after local municipal boundaries are drawn,
7 and so not only -- not only are you considering
8 these plans, but you have to consider legislation
9 to change the law to accommodate your interest in
10 doing early state redistricting because you're
11 here doing something that's contrary to existing
12 state law. So you have to change that law in
13 order to do it, and you are not under orders to be
14 here because of any federal lawsuit that has been
15 filed by former Senator Robson.

16 There is nothing I am more sure of than that.
17 You are not under orders to be here because of any
18 federal lawsuit, and you heard Professor Esenberg
19 say it himself. The federal courts are very
20 deferential to legislatures when it comes to
21 redistricting. I think he actually said very,
22 very deferential. There's no federal court that's
23 going to step in and draw district lines before
24 you get to this if you got to it in six months.
25 There's no federal court that's going to do that.

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1 And after that claim was made by those two
2 staffers who appeared before you at the beginning,
3 after that preposterous claim was made, a former
4 staffer from the Legislative Reference Bureau
5 pulled me aside, and he said, "Mike, you should
6 remind them that an almost identical federal
7 lawsuit was filed ten years ago, and it was
8 ignored by the federal court."

9 You are here under orders for one reason and
10 one reason only. You are here because you feel
11 you have to do state redistricting before those
12 recall elections, and everybody in this doggone
13 room knows that. Everybody here knows that you
14 are doing this for that sole reason, because you
15 feel you have to do this task before those recall
16 elections because you know that you could possibly
17 lose total control over the way these maps are
18 drawn after those recall elections are concluded.
19 That is why you are under orders to be here, and
20 that is patently obvious to everyone in this room
21 and everyone across this state.

22 Now, yesterday we put forward citizen-drawn
23 maps of legislative districts, and they're here.
24 I prepared written testimony, and the maps are
25 here. If there's a page, they could be

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1 distributed to members of the committee. We
2 wanted to demonstrate that you can accommodate
3 changes in population without doing violence to
4 the basic principle in our democracy that voters
5 are to chose their representatives, not the other
6 way around.

7 We wanted to show that you could -- that you
8 could draw new lines that accommodate changes in
9 population without drawing at least three of the
10 candidates in those recall elections out of the
11 districts that they would be elected -- that they
12 may be elected to represent.

13 You can draw these district lines and
14 accommodate these population changes without
15 dividing all these communities. We point to the
16 City of Sheboygan in our testimony, but the same
17 thing is being done in Marshfield, and it's being
18 done in Beloit. West Allis is divided into four
19 different districts. There's no need for that
20 except there's a crassly political motivation, but
21 there's no -- there's no real need.

22 Now, the districts that we've drawn would
23 leave us with a situation where 80 of the 132
24 districts in the Wisconsin legislature would have
25 partisan splits of 10 percentage points or less.

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1 80 of the 132 districts would be up for grabs.
2 They would be within a 10 percentage point margin
3 on partisan grounds.

4 Now, that's saying something because over the
5 last decade the most races we've seen for state
6 legislature decided by 10 percentage points or
7 less has been 29. The fewest we've seen decided
8 by a 10 percentage point margin or less is 10.
9 132 districts in the Wisconsin legislature. We've
10 seen as many as 29 elections decided by 10
11 percentage points or less and as few as ten.

12 what we've created is a map that would leave
13 us with 80 districts out of 132 that have that
14 kind of partisan split. These maps represent a
15 glimpse of what could be expected if redistricting
16 were turned over to a nonpartisan authority as
17 proposed in AB 198, and you should be holding a
18 hearing on AB 198 today, not on these partisan
19 gerrymanders. We go into some detail about some
20 of the things that are done, but I don't think
21 there's a better illustration of what's wrong here
22 than what you find in Racine and Kenosha. We
23 currently have a state senate district that was
24 once represented by a Republican, George Petak,
25 who was then defeated by a Democrat, Kim Plache,

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1 who was in turn succeeded by a Republican, Cathy
2 Stepp, who then was succeeded by a Democrat, John
3 Lehman, who was just defeated in the last election
4 by a Republican, Van Wanggaard.

5 Under the plan before you there will be no
6 such district. There will be no opportunity for
7 voters in southeastern Wisconsin to change the
8 partisan representation in the legislature in the
9 way that they have over the past years in that
10 area because what's created there is a partisan
11 gerrymander that does create partisan advantage
12 for the Republicans. There's no question about
13 that.

14 But what it also does is it undermines the
15 ability of voters to shake up the system, to
16 change their representation if they're not
17 satisfied with how they're being represented.
18 There will be no district like that current senate
19 district left if this plan is approved. So what
20 you are fixing to do is nothing but a power grab,
21 and it's as plain as the nose on your faces. And
22 that power grab will dishonor Wisconsin and weaken
23 voters when it comes to their ability to get the
24 kind of representation that they want.

25 And everything that I've heard here so far

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1 today indicates that there's not going to be any
2 time taken to see if significant changes could be
3 made or discussions to be had between members of
4 the two parties about coming up with some
5 alternative plan. Everything I've heard here
6 today is that this thing is going to be voted on
7 Friday and sent to the floor, and following
8 Tuesday it's all going to be done.

9 And to that I can only say that holding
10 hearings without any intention of listening
11 disgraces our state too, and that's what I think
12 sickens the people here today and saddens us all
13 is that we have not only a process that is
14 designed to simply facilitate a power grab, but
15 then we have a sham hearing that is made a part of
16 that whole process.

17 You really should be ashamed of yourselves,
18 and the fact that it doesn't appear that you are
19 only creates a vivid illustration of the magnitude
20 of the political mess that we have on our hands
21 here in Wisconsin. A lot has been done to poison
22 the well in our state these past weeks and months,
23 and what this does is it just dumps a big old
24 bucket of poison down the well and further does
25 damage. And for that you really should be ashamed

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1 of yourselves.

2 CHAIRMAN ZIPPERER: Thank you for
3 coming in. After previous testimony a number of
4 the committee members expressed an interest in the
5 partisan background of a couple of individuals who
6 spoke. Would you be so kind as to share with the
7 committee partisan experience that you've had in
8 the past?

9 MR. MCCABE: I formerly was an aide
10 to three Republican members of the state assembly,
11 June Jarnitski, Earl Schmidt and Bob Larson. I
12 formerly worked for the Wisconsin Taxpayers
13 Alliance so people on the Democratic side would
14 look at that and say, "well, you're obviously
15 Republican." I have run unsuccessfully for the
16 State Assembly on one occasion. Ran as a Democrat
17 in that instance. People in the Republican side
18 will say, "well, that clearly makes him a
19 Democrat." With the Wisconsin Democracy Campaign
20 we have filed complaints against both major state
21 parties. We have filed complaints against
22 candidates from both major parties.

23 Bottom line is that what we've got here is a
24 problem that is -- this is a partisan sham that's
25 being perpetrated, and what it does is it ends up,

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1 one, weakening the power of voters, weakening the
2 ability of voters to get the kind of
3 representation they want, and the other thing that
4 is so important about what's being done here is
5 that it will, in fact, further polarize our
6 legislature and our House of Representatives at a
7 time when the last thing on earth we need is more
8 partisan division and more polarization. But this
9 plan will do exactly that.

10 CHAIRMAN ZIPPERER: Well, thank you
11 for those comments. I guess I want to thank you
12 for bringing a map forward. I think just looking
13 at your map, taking a cursory review, I think it
14 highlights some of the concerns as we've heard
15 starting in the beginning with what the
16 constitutional and legal concerns are. You know,
17 just looking, you know, at the district that I
18 represent, the 33rd District, whereas under the
19 current proposal the 33rd District is entirely
20 within waukesha County and is in a pretty compact
21 district as was noted by Senator Jauch when he
22 testified, under your proposal, just looking at
23 this one, the 33rd District spans four counties
24 and would have whoever is representing the 33rd
25 driving a considerable amount of distance in a

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1 urban area or suburban.

2 You know, I think it's pretty clear looking
3 at your map that there are competing demands. The
4 senator mentioned his horseshoe shape district.
5 Under the proposal you put forward it kind of
6 looks like a Pac-Man shaped district here.

7 It is obviously difficult, as we've seen, to
8 draw the perfect checkerboard because people don't
9 live in square boxes. I do appreciate you taking
10 the time to put a map together, so I guess that's
11 more of a comment than a question. But I believe
12 Senator Erpenbach did have a question.

13 SENATOR ERPENBACH: Right, couple
14 of things. Picking up from what the chairman was
15 saying, at the very least, just based on the
16 lines, kind of the way I know my state, obviously
17 coming up might be substantially more competitive,
18 which I think gets to the heart of your argument,
19 it should all be about competition, giving the
20 people a choice and making sure that we do have
21 more swing districts than we don't. Is that --

22 MR. MCCABE: And, you know, one of
23 the things that you have to realize about this map
24 is that in 2010 it was a strong Republican year,
25 and there were 38 Democrats elected to the State

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1 Assembly in 2010. If you look at how people voted
2 around the state and then you looked at those
3 votes cast in the districts we've drawn, Democrats
4 actually would have won fewer races in 2010 in the
5 State Assembly than they actually did under our
6 map.

7 The reason is because we create a lot of
8 toss-up districts, and there would have been a lot
9 of narrow defeats for Democrats because it was a
10 strong Republican year. I think it's real safe to
11 say that this plan would not be advanced by the
12 Democrats if they were in total charge of state
13 government, but it's good for the voters. And if
14 it were a strong Democratic year, there would be a
15 lot of close elections that would go and tip
16 Democrat.

17 Because we create 80 districts out of 132, it
18 could conceivably go either way, and so what you'd
19 have is honest competition. What you'd have is
20 voters with the ability to choose whether they
21 want a Republican or a Democrat representing them
22 at any given moment, and we drew lines that didn't
23 split communities the way that the proposed map
24 does that's in front of you.

25 But, yeah, you've got to make choices. Well,

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1 one of the choices we made is how do you draw a
2 map that respects traditional boundaries to the
3 greatest extent possible that accommodate the
4 changes in population, but how do you create a map
5 that would actually be good for voters. How do
6 you create a map that would actually give them the
7 ability to choose, and you're going in exactly the
8 opposite direction.

9 SENATOR ERPENBACH: Another
10 question if I could. You said we tend to do
11 legislation based on what other states are doing
12 these days, whether it's Voter ID or Concealed
13 Carry, whatever the case may be. What's going on
14 in other states, and is there a trend that you're
15 seeing in other states?

16 MR. MCCABE: Well, traditionally
17 redistricting has been, you know, the exclusive
18 domain of legislators, but there are some states
19 that have begun to break that mold. And I guess
20 the pioneers really would be Iowa on the one hand.
21 Now, they use their nonpartisan legislative
22 service agency, which is very much like our
23 Legislative reference Bureau, to draw the lines.
24 That's one model. That's the model that's really
25 embraced in AB 198. You don't have to go far to

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1 see it work.

2 Now, Wisconsin has eight congressional
3 districts. There has only been one, and that's
4 the 8th in the Green Bay area, that has produced
5 more than one election in the last decade that was
6 decided by 10 percentage points or less. There
7 have only been I think three districts, three
8 congressional districts, in Wisconsin that have
9 ever produced an election within 10 percentage
10 points within the last decade. The 8th is the
11 only one that's done it more than once.

12 So if there's a competitive district that can
13 consistently be considered competitive in
14 Wisconsin, it's the 8th out of eight districts.
15 In Iowa there are five congressional districts,
16 and four are routinely producing elections within
17 10 percentage points. To me it's -- you know,
18 it's very clearly the result of a process that
19 handles redistricting in a very different way than
20 it is handled here.

21 Our states are not terribly different
22 demographically, not very different than other
23 states in so many other respects, but yet they've
24 got four out of five districts competitive, and
25 we've really got one out of eight. So Iowa is one

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1 model. Arizona really was the pioneer in creating
2 an independent redistricting commission, a citizen
3 commission that would handle redistricting.
4 California has just gone in that direction. New
5 Jersey kind of has a version of it in place. I'd
6 be happy to go back and -- I didn't know this
7 question was going to come up in the hearing today
8 or I would have come equipped with a list of all
9 the states, but I'd be happy to supply that.

10 SENATOR ERPENBACH: Are states
11 moving away from legislators drawing their maps?

12 MR. MCCABE: Well, it's not like
13 they're all rushing in that direction, but, you
14 know, it's been an exclusive legislative domain,
15 and now some states are moving in the opposite
16 direction. They're saying, "Wait a second. We've
17 really got to find a better way." Wisconsin used
18 to be a pioneer in so many public policy areas,
19 and now we just seem to want to follow the -- you
20 know, follow the crowd.

21 So I would say that even if we had to stand
22 alone, we should do redistricting in a better way,
23 and there is a better way to do redistricting.
24 But we could model ourselves after an Iowa or
25 after an Arizona. California is now going in that

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1 direction, so the trend is toward trying to find
2 different ways to handle redistricting. And
3 California's is brand new just for this round of
4 redistricting.

5 So we're going to see more states moved in
6 this direction. I hope that Wisconsin will give
7 serious consideration to move in this direction
8 because we can do better by voters than we've been
9 doing. And we can certainly do better by voters
10 than what this plan provides.

11 CHAIRMAN ZIPPERER: Representative
12 Bewley.

13 REPRESENTATIVE BEWLEY: Thank you.
14 I want to thank you for your comments because
15 you've done a couple of things. Number one, you
16 have given us reason to believe that we can have a
17 discussion of this process because just in the
18 past -- here we are 3:30, 3:26, something, and it
19 feels like we're having a discussion about how
20 redistricting is done, and I appreciate that
21 personally.

22 Also, you've described quite well that we
23 have to discuss, if we're going to be true to what
24 it is we came here today to do, to discuss both
25 the process and the outcome, and also the third,

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1 the purpose of this meeting here today. And I
2 want to thank you for illustrating that quite
3 well, that there are three distinct ways to look
4 at our reason for gathering here today.

5 But finally I think that it gives us all the
6 more reason to realize and deeply understand that
7 we need more time, that you have given us another
8 opportunity to look at another map, the first time
9 that we are seeing more suggestions of maps.
10 Today we've seen Fitchburg and a few other places
11 that have illustrated very specific, very solvable
12 situations, and I think that you're pointing out
13 that we would be remiss if we ignored what we have
14 heard today with the requests that we have heard,
15 very specific requests.

16 Please help us follow what our constituents
17 have said, what our local communities have said.
18 Let us get it done the correct way, but I -- I
19 repeat. We need more time.

20 MR. MCCABE: And one of the things
21 I'd like to say is that I'm not saying that our
22 map is perfect. First of all, people need to
23 realize that we've pulled this map together in a
24 matter of days, and we did it really with one hand
25 tied behind our backs because we didn't have

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1 access to all of the data that the legislative map
2 drawers have.

3 It's true the census data out there, it's
4 been out there for some time, but we didn't have
5 all the data that equipped us with the same tools,
6 and in a matter of days we pulled together a map
7 that does create a far more competitive landscape
8 for Wisconsin. Now, Senator Jauch would not like
9 our map because we also take Sawyer County out of
10 the 25th District.

11 Senator Zipperer doesn't like our map because
12 of something it does to his district, and that's
13 always going to be the case. There are going to
14 be decisions made. Senator Jauch won't like
15 something. You may not like something, but I
16 guess the point I would make in closing is that
17 we're not suggesting what we've got is a perfect
18 map, but with time and with all of the data, there
19 is no doubt in my mind you can create a more
20 refined, more detailed map that would be even
21 better, that would improve upon the work product
22 that we've put before you.

23 But we had a hearing called for today, and we
24 found out about redistricting being unloaded on
25 the State of Wisconsin last Friday. And by the

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1 way, more than a week earlier we filed an open
2 records request asking for all of the data, all of
3 the information about redistricting and the maps
4 that have been developed. We're still waiting for
5 a response to that open records request.

6 And I have to say that the message that's
7 being delivered here is that this legislature
8 seems to feel that open meetings laws and open
9 records laws do not apply to the legislature, and
10 that's offensive. Over a week before this was
11 dropped on the State of Wisconsin we have filed an
12 open records request asking for all of this. It
13 could have been e-mailed to us in 15 minutes, and
14 we're still waiting for a reply. Well, of course,
15 we don't need one anymore because it got dropped
16 on us, and we had to try to respond to that by a
17 Wednesday hearing.

18 I think what we've put together is as
19 detailed and as refined as you could possibly
20 expect citizens to accomplish in such a short
21 period of time, and I know if I had had an
22 opportunity to hear what Senator Jauch had to say
23 about Sawyer County, of course, there are
24 different decisions that could be made. But my
25 goal would still be to produce a map that could

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1 get close to having 80 districts or 70 districts
2 or 90 districts out of 132 where you could have
3 toss-ups, where you could have voters in a
4 position of being able to choose the
5 representative of their true choosing.

6 CHAIRMAN ZIPPERER: Other
7 questions? Thanks. Dan Thompson, League of
8 Wisconsin Municipalities, speaking for information
9 only, and on deck is Representative Penny Bernard
10 Schaber. I guess we had a request. David
11 Colander (phonetic) of the Wisconsin Counties
12 Association wanted to testify with the League.
13 Are either of them still here?

14 FEMALE SPEAKER: They're not here
15 anymore.

16 CHAIRMAN ZIPPERER: Okay. Then
17 Representative Penny Bernard Schaber. welcome.

18 MS. SCHABER: Good afternoon.
19 Thanks for letting me get back in line. I think
20 redistricting is a very important process that we
21 have to go through on an every-ten-year basis. I
22 think it's essential for the State of Wisconsin to
23 have a generally nonpartisan redistricting
24 process. I was here this morning, and I came in
25 because I really oppose SB 150. I believe SB 150

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1 that changes state statute to change the process
2 and the sequence is the wrong way to go. I do not
3 think you should be doing that.

4 Normally the counties and municipalities are
5 the governmental agencies that do their lines
6 first, and I believe we should stick with that
7 process. I'm opposed to changing the sequence
8 because I believe it's essential to maintain the
9 current sequence and allow counties and
10 municipalities time to finish what they've
11 started. They've spent quite a bit of money
12 already. They've been working through this very
13 hard and very diligently in my area trying to do
14 what's right for the Fox Valley, and I believe we
15 should let them try to have time to finish that.

16 There is no good reason to reverse the
17 sequence and to speed up the process. I was here
18 this morning when the first speakers spoke, and
19 they said that there were amendments out there.
20 They said that they wanted to hear from the
21 constituents, and they wanted to have a discussion
22 about redistricting. I was here for two hours
23 this morning. I left because I had meetings, and
24 I'm back.

25 And I'm kind of hearing that there really was

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1 not a discussion about this, that it was basically
2 dictated and has been already decided. And by
3 looking at the timeline before us, I believe it's
4 already been decided, and I don't think that's the
5 way we should do business in Wisconsin. So I am
6 here to say I oppose SB 150, and I would like us
7 to slow the process down and do it correctly.
8 Thank you.

9 CHAIRMAN ZIPPERER: Thank you.
10 Thank you for coming earlier and coming back. Any
11 questions? Thanks. Up next, Doug Miering
12 (phonetic), Baraboo, Wisconsin, speaking against
13 and followed by Laurie Compass (phonetic) of Fort
14 Atkinson.

15 FEMALE SPEAKER: Laurie had to
16 leave.

17 CHAIRMAN ZIPPERER: Okay.
18 Mr. Miering? How about Christine McDunna, Sun
19 Prairie, speaking against? welcome.

20 MS. MCDUNNA: Hi. Most of the
21 points that I wanted to make were already made by
22 previous people that were testifying. I'm here to
23 testify against all three proposals. I think it
24 undermines our democracy. I don't understand how
25 the Republican party can do this to our state, and

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1 I don't think anybody's brought up the fact that
2 this also affects Shawn Duffy, the congressman's,
3 district, and this will give him an advantage in
4 the next election as well.

5 So there was a statement that Luther Olson
6 had made, was saying that every time redistricting
7 comes up there's always a call by a minority party
8 for a bipartisan solution. If that's the case, I
9 think that you should really go back to the table
10 and come up with a bipartisan solution. I think
11 we need a third party to decide this, and I think
12 you should all be ashamed of yourselves. I really
13 do.

14 And just so you know, ALEC has just had all
15 the legislation, model legislation, has just been
16 dumped on the Internet. So now people are going
17 to be able to compare what you're doing here to
18 the legislation that's being put in all around the
19 country, and it's coming from Washington D.C., and
20 it's coming from ALEC, and it's coming from the
21 people that these Republican leaders here went
22 down and received money from right after all the
23 protests this winter. Thank you.

24 CHAIRMAN ZIPPERER: Any questions?
25 Up next, Miles Christen (phonetic); Madison,

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1 Wisconsin, speaking against.

2 MALE SPEAKER: He had to leave.
3 He'll be back, though, I'm sure.

4 CHAIRMAN ZIPPERER: Steve Taylor,
5 Franklin, representing the City of Franklin,
6 speaking against.

7 MR. TAYLOR: Good afternoon. Thank
8 you, Mr. Chairman. My name is Steve Taylor. I'm
9 the Common Council president for the City of
10 Franklin. Although it's a nonpartisan position, I
11 am a Republican and have been for, well, since I
12 was 18 and could officially vote. So I'd like to
13 prepare more maps. I'll have something that I can
14 present to you, but I didn't find this out, like
15 everyone else, until about 10:30 on Friday reading
16 the Milwaukee Journal Sentinel, which is one of my
17 least favorite newspapers.

18 But I did find the maps and started making
19 some phone calls, called my state representative,
20 Jeff Stone, who I pretty much informed him what
21 portion of Franklin was removed from his district.
22 In 1994, when I was a senior at Muskego High
23 School, I came up here to -- kind of a shadow day
24 and spent the day with Kathy Krosnicki, who was my
25 state representative. I always looked forward to

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1 coming to this building because I just loved the
2 atmosphere. And now there are times when I see it
3 on the news, and I just don't recognize it
4 anymore. It's not -- it's not a place that is as
5 friendly as we've seen in the past.

6 As a city, we've followed, and have been, the
7 guidelines for adjusting municipal wards. Found
8 the 2010 census that's dated March of 2011, State
9 of Wisconsin Legislative Reference Bureau. I'm
10 sure everybody's seen it. That's what we've been
11 using for weeks and months. Local control is
12 something that's been mentioned time and time
13 again. I'd rather have more to say than have
14 Madison deciding what's best for us.

15 I know many municipalities spent the time and
16 resources to adopt municipal ward boundaries. My
17 concern is here, why I'm here today, is basically
18 for the City of Franklin. The maps are very
19 colorful. I've been here since 10 o'clock. I had
20 to run back to the other side of the state, but
21 that's all right. It's worth it. The city clerk,
22 Sandy Waslowski, has spent weeks working on the
23 Franklin six aldermanic districts, which were
24 actually broken down into 23 wards. What makes it
25 more difficult is the fact that Milwaukee County

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1 added another supervisor to our district, and you
2 can't cross county supervisor lines.

3 Our tentative map was approved. The city
4 clerk drafted the entire thing. She basically sat
5 in her office, worked up everything as best she
6 could and brought it to the Common Council, and we
7 approved it potentially July 5th. We have a
8 public hearing August 2nd, but meanwhile the map
9 is not only on our website, it's at City Hall,
10 it's at the public library. So it's available for
11 the public to see, and it will be at the public
12 hearing.

13 I made it clear six alderman, and I'm around
14 City Hall more than most, so I made sure that --
15 my number-one goal was to keep the district lines
16 as similar to possible as they currently are in
17 order to avoid voter confusion, and this also
18 should be the goal of the state legislature.
19 Assembly districts should be kept compact and
20 observe the community of interest and existing
21 neighborhoods when possible.

22 Now, the proposed boundaries between the 21st
23 District and the 82nd District I don't believe
24 observe the best interests of the community, that
25 being Franklin. Now, I probably know more about

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1 the City of Franklin than anybody in this room. I
2 see Doug Wheaton sitting right back there, and I
3 know he's a Franklin guy. So he may know a little
4 bit also, but no one knows about this area that
5 I'm going to be talking about.

6 Now, I'd love for the city to be completely
7 in the 82nd District, and I know with the City of
8 Milwaukee's population not growing as fast as its
9 suburban communities, that that's not possible.
10 But what's been done is they've pretty much taken
11 the center of Franklin's eastern border and carved
12 it out, maybe taken it from the corner to the
13 north and the south, and that's why I'm here.

14 Now, we are unique. We do have three school
15 districts in Franklin. So we're not the only one.
16 Fitchburg, I heard that, news to me, but I know we
17 are also unique. I don't think there's probably a
18 lot of them. We have the Whitnall School
19 District, the Franklin School District, and the
20 Franklin-Oak Creek School District. Now, Franklin
21 has six miles of land that borders Oak Creek.
22 Only five blocks along this current six-mile
23 stretch falls in the Franklin School District, and
24 that's what's being drawn out.

25 That's what's being proposed to be shifted to

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1 represent that district. The school lines are
2 literally drawn in the school's backyards.
3 They're not written on streets. They're written
4 in backyards of people's homes, and that was from
5 a deal cut back in the fifties over bussing, so
6 just never were sunset, just a portion that jets
7 out.

8 My proposal, which I am going to ask Senator
9 Lazich to bring as an amendment, would basically
10 keep -- just shift the district boundaries to the
11 north, which would take out this very confusing
12 area. So I would really like to see -- I'll hand
13 out -- is there a page here to pass out -- I
14 thought based on the Internet that I was going to
15 come before five senators, and I didn't realize --
16 so we can just pass it around. And I did leave
17 copies for Senator Lazich, Representative Stone
18 and Representative Honadel. This would basically
19 show what the new wards would be in Representative
20 Honadel's district.

21 Now, the current proposal has 2,495
22 residents. What I'm asking the change would be
23 2,475, so it's very minimal change. I understand
24 if I was sitting here asking for a rippling effect
25 to go throughout the entire state that would be a

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1 pretty tough stretch, but this is something that's
2 contained in two districts that border each other.
3 Like I said, I know this area very well, and, you
4 know, when you talk about equal population, I've
5 tried to do that.

6 I sat over the weekend and all this week with
7 the city clerk trying to figure out what's the
8 best way with least amount of border confusion to
9 make this work for the voters and to kind of keep
10 community interest; and so as a result of this
11 change, the wards remain relatively constant; the
12 administration elections is more simplified; and
13 the other thing I think is also important, also
14 border confusion minimized.

15 That's really all I have. That's what I'm
16 looking for from this committee. I've been here
17 throughout the testimony. I'm not going to get
18 into it. I've heard things I can agree with on
19 both sides and definitely disagree with on both
20 sides, but, you know, I'd much rather be coming
21 here for a different reason.

22 It was nice to be here on January 3rd for the
23 inauguration; but when I saw these maps knowing
24 the area that I represent, knowing the area so
25 well, Franklin School District that jets out, and

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1 you can go to the website and you can look that
2 up, and I left a map for Senator Lazich to see.
3 But it is a very confusing area. Any questions?

4 CHAIRMAN ZIPPERER: Thank you for
5 your comments, and also thank you for bringing
6 forward a concrete map proposal for the committee
7 to consider. Representative Danou I believe has a
8 question.

9 REPRESENTATIVE DANOU: Yeah, I
10 guess maybe this is beyond what -- I suspect your
11 position is have you talked with some of the
12 neighboring communities there? Is that a problem
13 for other communities in your area with the way
14 things -- with the way these maps are being
15 dropped out as opposed to having you guys have the
16 ability to draw your ward lines and things and
17 then have the State base its maps upon those? Is
18 this going on in other communities in your area as
19 well I assume that you've talked with?

20 MR. TAYLOR: Yeah, I mean, I talked
21 to different -- being involved with campaigns and
22 elections for 20 years of my life, I got to know a
23 number of people here in Madison, so I started
24 making phone calls and getting some of that
25 similar feedback. You know, the rules that

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1 Franklin -- and I'm concerned about the City of
2 Franklin. I understand you guys have a whole
3 state to deal with, but I'm concerned with the
4 City of Franklin.

5 We have been following guidelines that were
6 established that you guys basically passed saying
7 you guys do yours, and then we'll bring ours in.
8 And now what this has done is obviously --

9 REPRESENTATIVE DANOU: Flipped them
10 upside --

11 MR. TAYLOR: Flipped them -- well,
12 those are your words, not mine. But it's made it
13 a little more difficult for us and especially when
14 I see something that just does not -- the city
15 sees something that just does not work well.

16 Like I said, if there was a rippling effect,
17 if this had a chain reaction and is going to start
18 screwing up everything, I probably wouldn't have
19 taken the time out of my day to come here and left
20 work and canceled a bunch of things because I
21 didn't think I'd be here all day, but it's
22 something that needs to be corrected. And I think
23 it's minimal change. As Representative Honadel
24 said it looks pretty simple considering the
25 population is only 20 different, 20 people.

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1 REPRESENTATIVE DANOU: I would
2 guess it's a safe assumption that this may be an
3 issue I would think across the state then, I
4 guess, you know. It might be great -- it will be
5 great if we can fix it for you, but I think we owe
6 it to our constituents across the state to avoid
7 this happening, Wausau, Stevens Point, Merrill,
8 goodness knows. And I guess that I think would be
9 the point.

10 I would think that would be anybody's local
11 government. Fisher would ask us to try and
12 respect all of those local government officials
13 across the state, whether they be Franklin or
14 Stevens Point or wherever.

15 MR. TAYLOR: Well, there's 1,851
16 municipalities, so I suppose there's other people
17 in my position that are having these types my
18 concern. My concern is the city that I represent,
19 the 35,000 people that live there. We heard from
20 a gentleman at some point today talking about West
21 Allis. Plus, I read that in the paper. There's a
22 reason for why things are done, and I understand
23 that Milwaukee, you know, the population is
24 shifting geographically. The size has to get
25 larger, and it's a matter of time when it

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1 continues to approach Franklin.

2 20 years from now it could be the same thing,
3 but you've got a district which one city of 35,000
4 has been in the 82nd, and now you're just going to
5 take this little bit. And when you look at the
6 map, why are we carving in the center of this
7 border instead of from the top working your way
8 down? We've had the problem we can't cross these
9 supervisor boundaries. Then you've got these
10 three school districts. Very difficult for us
11 with the map, as we heard the Fitchburg mayor talk
12 about trying to get their district to be a certain
13 way, but that's their problem. I'm looking at the
14 City of Franklin. And hopefully they'll be able
15 to solve theirs also, but I've got to worry about
16 the 35,000 people.

17 CHAIRMAN ZIPPERER: Thank you. I
18 have just one question, and then we'll go to
19 Senator Erpenbach. Do you know -- you mentioned
20 the population deviation. Do you know, does the
21 changes -- you mentioned it being 20. Does that
22 bring it closer to the standard assembly districts
23 or further away from the standard assembly
24 districts? We can go back and check. I'm just
25 asking if you know it off the top of your head.

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1 MR. TAYLOR: There was a point this
2 weekend -- no, I do not know, but there was a
3 point this weekend where I did see all the
4 numbers. I couldn't find out where I located it,
5 and I did see in the assembly -- or the senate
6 bill that showed the city -- the district with the
7 most population and the least, and this was
8 neither one of those.

9 I want to say it was a very close, if I
10 recall that, but I don't have those numbers. I
11 was trying to have those numbers so that I could
12 but --

13 CHAIRMAN ZIPPERER: Well, we'll
14 look at it. Thanks. Senator Erpenbach.

15 SENATOR ERPENBACH: Yeah, thanks
16 for coming out, and I know that you've got to be
17 concerned about Franklin because that's what you
18 got elected to. There's a lot of Franklins all
19 over Wisconsin, and I wish the League would have
20 been here to testify because I would have been
21 really curious to hear what they had to say.

22 Two quick questions for you. How do you feel
23 about the legislature drawing this map and then
24 changing laws saying, "we can draw our maps
25 first"?

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1 MR. TAYLOR: Well, that -- that has
2 been an issue that I've had reading the articles
3 and reading the bill. And, I mean, I think I even
4 highlighted some of the language, which is
5 basically saying, "we're going to change the law
6 to make sure what we're doing is legal."

7 You know, if the Democrats had the majority,
8 I can't -- I wouldn't -- I'd be shocked if they
9 weren't trying to create advantages for
10 themselves. I would think that would be the case.

11 SENATOR ERPENBACH: Right.

12 MR. TAYLOR: You know, I recall at
13 the end of the last administration certain union
14 contracts and issues trying to be shoved through
15 at the last minute, so that's politics. And
16 unfortunately sometimes it's the citizens that
17 kind of get pinched on this because that's what
18 we're here for. I think all you guys know that.

19 So both parties I would say would do this all
20 the time. I was as frustrated as anybody watching
21 what was going on in Madison in December when they
22 were trying to pass these contracts because the
23 new governor, Governor walker, and the majority
24 now shifting. So creating laws to -- you know,
25 when we've been playing with old rules the whole

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1 time, this should have came up right away saying,
2 "This is how we're going to do it. Don't waste
3 your time. Don't spend your resources. Don't
4 spend your money." And then, you know, we'd be
5 sitting here waiting. This is how we've always
6 done it.

7 SENATOR ERPENBACH: I understand
8 how you feel about contracts, but sticking to
9 redistricting. In 2000, the Democrats had
10 lawyers, and the Republican had lawyers. In 2010
11 the Republicans made the Democrats fire their
12 lawyers, so just the Republicans in the
13 legislature are the ones with the lawyers now
14 drawing the maps. The Republicans are the ones in
15 the legislature now who drew the map and are
16 coming up with law changes as we go along to take
17 away the local control.

18 Now, to me if I'm you, doesn't matter what
19 party's in control, what advantage. The fact is
20 we told you to do something, and you did it, and
21 you did it properly, and municipalities and
22 counties all throughout the state are doing it
23 properly. Now we're coming back in and saying,
24 "Okay, thanks, but you've got to do it over
25 again."

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1 So to me the issue of local control on this
2 particular thing that we have to do once every ten
3 years, I can see how it could be pretty
4 frustrating. Your clerk put a lot of time in
5 drawing your lines you said.

6 MR. TAYLOR: Uh-huh.

7 SENATOR ERPENBACH: What's going to
8 happen now? She has to redraw them. How much
9 time to put into it?

10 MR. TAYLOR: Yeah, I would imagine
11 that she would -- yeah, she would have to redraw
12 the lines based on what the assembly -- what the
13 legislature does, and so she'll go back to the
14 drawing board. And I know that for a couple weeks
15 straight every time I was in City Hall that's what
16 she was working on. I kept on saying keep
17 everything -- and if you go and you look at our
18 city website right now, look at how our current
19 boundaries are and look at the new boundaries that
20 we are going to pass in a couple weeks, you will
21 see that they're almost identical. We did
22 everything possible to try to keep things similar.

23 Now, I know we don't have the type of
24 population shifts that the rest of the state has,
25 so it's a little bit easier for us. In terms of

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1 local control, I do believe that the City of
2 Franklin and the government that's been elected by
3 the people know better than here in Madison. Just
4 like you guys know better than Washington D.C.
5 what's in the best interest of 5.7 million people.

6 So, you know, I'd rather I guess, you know,
7 have the say, and then you guys kind of overlap
8 it; however, I don't have that choice. I don't
9 have that authority, and I'm asking that we make a
10 change that is good for the City of Franklin. I'm
11 sure if every community, if they're as simple as
12 ours, it shouldn't be that difficult a request.

13 SENATOR ERPENBACH: Well, again, I
14 want to thank you for taking the time to come
15 down. I know it's a pain in the butt to do this
16 on short notice. I know that there's a lot of
17 others around the state who are in very similar
18 situations. I hope we can fix yours, and I hope
19 we can fix everybody else's too.

20 MR. TAYLOR: Well, I tell you, I
21 enjoy being here. I was a Political Science and
22 Public Administration major at La Crosse so --

23 SENATOR ERPENBACH: Then you like
24 this stuff.

25 MR. TAYLOR: I was an alderman at

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1 21, so I do enjoy it. Thank you.

2 CHAIRMAN ZIPPERER: Up next, Mary
3 Jo Walters of Madison speaking against, and on
4 deck would be Satya Rhodes-Conway of Madison
5 speaking against.

6 MALE SPEAKER: Mary Jo's not here.

7 CHAIRMAN ZIPPERER: Mary Jo's not
8 here. All right.

9 MS. RHODES-CONWAY: Thank you,
10 Mr. Chair. Thank you, Senator. My name is Satya
11 Rhodes Conway. I'm privileged to live in Senator
12 Risser's district. I'm serving my third term on
13 the Madison City Council. I've also been
14 appointed to Madison's Redistricting and
15 Reappointment Committee, so I understand
16 completely the complexity of what you are being
17 asked to look at and the complexity of the work
18 that your staff were asked to do.

19 I also understand, based on my experience on
20 that committee, that there are many ways that you
21 can draw the lines in a redistricting and
22 reapportionment process. I'm not here to talk to
23 you about maps, however. I do want to make it
24 clear that I am representing myself. I was not
25 paid to be here, and no one asked me to be here.

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1 I'm here to speak against the changing of the
2 rules for local governments in the redistricting
3 and reapportionment process.

4 And I want to speak on the basis of what I
5 believe is one of the core principles of
6 conservatism, and that is local control. And I
7 want to tell you a little bit about the process
8 that the City of Madison has gone through working
9 on redistricting. We started in January with the
10 appointment of a committee, and we have had more
11 than 12 meetings. Every single one of which has
12 been open to the public, and at every single one
13 of those meetings there has been a chance for the
14 public to testify on the issue before the
15 committee.

16 We have gone through more than 14 versions of
17 our maps. All of those maps are available on the
18 city website, and they're available for public
19 scrutiny. And we have had multiple citizens work
20 with those maps and present their own plans to us
21 for our consideration. We've had dozens of
22 citizens come and testify. Three of the meetings
23 we had were public meetings, not public hearings,
24 just simply community meetings that were there to
25 educate the public and allow them to share with us

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1 what their priorities were and what their concerns
2 were in the redistricting process.

3 We've spent many, many staff hours on all of
4 this and many, many volunteer hours as well. We
5 have not yet had our formal public hearings as
6 required in the process that we thought that we
7 were working under, and we have given notice for
8 the first one. And I have to say I am very
9 uncomfortable at having put out one set of maps
10 that we have noticed as a public hearing and being
11 in a position where we may actually have to be
12 considering another set of maps. I don't feel it
13 gives our public ample time to prepare their
14 testimony for us. I think that's an unfair
15 position to put the public in.

16 And throughout this entire process the
17 concern for the committee that is doing
18 redistricting for the City of Madison has been to
19 respect communities of interest. As you all know,
20 there are a series of things that we are legally
21 mandated, legally and constitutionally mandated,
22 to consider. We have to consider compactness. We
23 have to make contiguous districts. We have to
24 consider the population balance between the
25 districts.

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1 we also have to consider communities of
2 interest, and that is where we spent a tremendous
3 amount of time. How do we identify those
4 communities of interest, how do we keep them
5 within districts whenever possible and respect
6 that, and we spend a lot of time listening to our
7 citizens about what they thought communities of
8 interest were.

9 And, frankly, I'm sorry to say to you that I
10 don't think you all know what the communities of
11 interest in the City of Madison are. With the
12 possible exceptions of the Dane County Delegation,
13 Madison Delegation, I don't think there's anybody
14 in this building that is qualified to say that
15 they know what the communities of interest in the
16 City of Madison are better than the committee that
17 was appointed to do it in the City of Madison.

18 It's very hard for me to consider all of the
19 work that we've put in and the many hours that we
20 poured over all of those census blocks trying to
21 respect those communities of interest and now
22 being asked to go back and essentially redo our
23 process in a way that may not be able to respect
24 those communities of interest.

25 I also want to speak to you about the costs

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1 incurred by the City of Madison. I have not had
2 time to get from staff an estimate of an actual
3 dollar amount, but I know just based on the
4 14-plus versions of the maps that we've had them
5 create, that they have spent hours and hours and
6 hours on this process, and that does not come free
7 to the City of Madison. Fortunately, the citizen
8 volunteer time does come free, but I think it
9 would be disrespectful to not acknowledge the
10 amount of work that those citizens have put in and
11 that they could have been doing something else
12 during that time.

13 Going forward, however, perhaps more
14 importantly, this will cause the City of Madison
15 to incur more costs if you pass what is before you
16 today. Firstly, there is the cost of continued
17 staff time to look at the places where we will
18 have to change our maps based on what you pass.
19 And I again cannot estimate what that is going to
20 be, but I know that there will be a cost to that.

21 But perhaps most importantly is the continued
22 cost over the next decade of adding 12 potential
23 additional wards, six of which, by the way, are
24 too small, and having for each of those wards an
25 additional polling place, needing to get

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1 additional equipment to conduct elections in those
2 polling places, needing to pay election workers in
3 those polling places, and this is for every single
4 election for the next decade that you are asking
5 us to incur those costs.

6 And, frankly, our budget can't take that, and
7 it's an unnecessary cost. And I think that if you
8 would let us finish our district lines and finish
9 our ward lines, we have tried very hard to reduce
10 the number of wards that we have to get polling
11 places that both meet all of the legal mandates
12 and are actually accessible to communities of
13 interest, make it easier for people to vote,
14 adding another 12 polling places, gives us the
15 additional cost and also I think just kind of
16 throws our entire list of polling places and wards
17 into a little bit of chaos that we will have to
18 find a way to deal with.

19 So in conclusion, I would be happy to answer
20 questions, but I really urge you to reject what's
21 before you today, to please respect local control
22 and don't change the rules in the middle of the
23 game and let municipalities finish before you move
24 forward with your redistricting process. Thank
25 you.

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1 CHAIRMAN ZIPPERER: Any questions?
2 Senator Erpenbach.

3 SENATOR ERPENBACH: If we move
4 forward, which I agree with you, hope we don't,
5 but if we move forward, there's no point in having
6 a public hearing on that map; is there?

7 MS. RHODES-CONWAY: Not really. We
8 will have to change it in at least 12 places, and,
9 frankly, some of the places I don't know how we'll
10 change it. We could in some instances just create
11 a new ward that would respect the various lines
12 that are being imposed on us, but at least one of
13 those two wards would contain 31 people.

14 SENATOR ERPENBACH: That's a lot of
15 power in one ward. Let me ask you another
16 question because if you don't postpone it and you
17 do -- and you have the hearing but you do it on a
18 new map, is that a violation of open meetings laws
19 because you haven't posted?

20 MS. RHODES-CONWAY: I believe it
21 would be. I actually went and asked our city
22 attorney for a different situation. We left a few
23 polling places up in the air when our committee
24 passed the ward and polling place plan, and
25 there's a few of them that are in my district that

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1 I wanted to explore, could we get a better polling
2 place. Of course, that requires in this case
3 going to the library and asking them would they be
4 willing to be a polling place, and we weren't able
5 to get that answer.

6 And so I went to the city attorney and said,
7 "Can we just have a substitute here that includes
8 these new polling places?" And he said, "No, we
9 can't, because we've already noticed this list
10 with these wards that didn't include those new
11 polling places, and I don't think that it would be
12 appropriate under meeting law to do a substitute."

13 You can introduce an amendment at the
14 meeting, and I intend to do so, but he would not
15 let me do a substitute in advance of that meeting.
16 We may have to do a whole other set of notice and
17 meetings in order to respect the open meetings
18 law.

19 SENATOR ERPENBACH: Now, you did
20 this with citizen volunteers and so on, and you
21 did it late spring, very, very early summer, I
22 take it, right?

23 MS. RHODES-CONWAY: Yes, that's
24 correct.

25 SENATOR ERPENBACH: Two questions.

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1 would the same citizens have to serve on whatever
2 committees under the new map or would you be able
3 to go out and get new citizens to do this, and
4 would it be difficult because it's summertime?

5 MS. RHODES-CONWAY: Oh, gosh --

6 SENATOR ERPENBACH: Or you could
7 just go down to Memorial Union. "Yeah, let's draw
8 a map, yeah."

9 MS. RHODES-CONWAY: No, I expect --
10 I mean, there's a number of ways that you could
11 go. I expect what the counseling committee would
12 choose to do would be simply to ask our existing
13 committee to keep meeting to deal with this issue.
14 We had thought that we might have one more meeting
15 of that committee. If this goes forward, I
16 anticipate multiple, more meetings of the
17 committee to address to deal with the issues that
18 are raised.

19 SENATOR ERPENBACH: Thanks.

20 CHAIRMAN ZIPPERER: Representative.

21 REPRESENTATIVE BEWLEY: Thank you.
22 All the people that you're talking about that are
23 working these, are they paid?

24 MS. RHODES-CONWAY: No, we have --
25 on the redistricting committee itself I believe we

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1 have three citizens who are not compensated in any
2 way for their time, and we also have -- they're
3 not official committee members, but we have a
4 number of citizens, three or four citizens, that
5 have been at almost ever committee meeting, so I
6 consider them volunteering their time as well.
7 And several of them have offered maps offering
8 their time as well.

9 The City Council members that serve, there's
10 four of us, we receive a minimal remuneration for
11 our services to the City Council as a whole. That
12 does not cover costs, let's say, and then the
13 citizens who have come -- dozens of citizens that
14 came to our -- both our committee meetings and
15 then the public meetings that we had, none of
16 them, of course, were paid in any way.

17 REPRESENTATIVE BEWLEY: So these
18 are citizens who are truly and in good faith
19 participating in a process that they think will
20 have some integrity in the outcome?

21 MS. RHODES-CONWAY: Yes, and
22 honestly, Representative, all of us thought we
23 were following the rules. We looked at the same
24 document that the previous gentleman held up and
25 said, you know, This is -- this is what the State

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1 told us to do. We tried very hard to follow the
2 rules. We tried very hard to lay out what our
3 principles were and to follow our process
4 correctly and have open meetings and public input,
5 and all of the citizens that have come forward
6 were operating under that same assumption.

7 Now, I do honestly feel, Representative, that
8 the rules are being changed in the middle of the
9 game, and I'm on the playing field trying to
10 figure out who's ref'g and what rules I'm supposed
11 to be following.

12 REPRESENTATIVE BEWLEY: Well, too,
13 of course, you know you are from a local
14 community. You are from here. And the fear that
15 many of us have is that there are countless
16 communities out there who have, like you,
17 participated in good faith in a process that they
18 felt they could have faith in and indeed are now
19 going to be told that not only have you wasted
20 your time, we're going to do it right now for you,
21 and then you have to follow our rules.

22 And I don't mean to put words in your mouth,
23 but my district is not here. They can't come. I
24 mean, there's no time. I don't know. I can't ask
25 you to speak for them, but do you feel working in

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1 the role that you do that people like you
2 throughout the state are being served?

3 MS. RHODES-CONWAY: Representative,
4 I don't feel they're being served, and I have to
5 say that I consider myself lucky not only that I
6 am physically in Madison able to be here but also
7 that I have the kind of employment -- because I do
8 have a full-time job which I am not at today. I
9 have the kind of employment where I can take a
10 day. I missed at this point three conference
11 calls and one meeting that I was supposed to be
12 on, and I'm fixing to miss another one.

13 And I consider it worth it because I think
14 redistricting reapportionment is one of the most
15 important things that any government will do in
16 any given decade. So I feel like in order to
17 serve both my constituents of the 12th District
18 but also the entire City of Madison, I needed to
19 be here and tell you all the impact that you have
20 on us and our process.

21 But I fully recognize -- and if I were in any
22 of your positions, the thing that I would be most
23 concerned about at this point is the fact that
24 there are many, many people exactly the same
25 situation as me that were not able to get here or

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1 were not able to spend the hours that I'm spending
2 in this room waiting to be able to testify.

3 And as somebody from local government, and we
4 are nonpartisan, we're not elected on a party
5 basis in the City of Madison, and, you know, I
6 kind of expect things to be partisan at the state
7 level. But I wish you would understand the impact
8 that you're having on local governments by doing
9 this, and I think that you do all of the local
10 governments in your districts, each of your
11 respective districts, a disservice by moving
12 forward this quickly because we have been working
13 in good faith. We have tried to follow the rules.
14 We're trying to come up with the best map possible
15 for our communities, and each community has a
16 different version of what the best map is and what
17 the principles -- within the letter of the law
18 what those principles are that we wish to hold up.

19 In the City of Madison, we chose to look at
20 neighborhoods and elementary school attendance
21 areas as communities of interest. In the City of
22 Fitchburg, clearly they had different priorities
23 that were important for their consideration. The
24 City of Franklin similarly had a different set of
25 priorities. I expect if you went and asked all of

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1 the hundreds of municipalities in this great
2 state, that each one of them would have a slightly
3 different version of what was important to them.

4 And I think that not honoring that, not
5 letting the municipalities go first and then
6 laying the state lines over that, that really does
7 a disservice to the process and is frankly
8 insulting to local government.

9 REPRESENTATIVE BEWLEY: Thank you.

10 CHAIRMAN ZIPPERER: Senator Risser.

11 SENATOR RISSER: I know you're in
12 your hurry. Just a comment. I appreciate your
13 work on our city council and all your work on this
14 program, and, you know, time could be more
15 valuable than money. You've been here for six
16 hours, and we appreciate it. And I think you've
17 sent forth a message which is very true, and I
18 hope the rest of the committee listens to it.
19 Thank you.

20 MS. RHODES-CONWAY: Thank you very
21 much.

22 CHAIRMAN ZIPPERER: Any other
23 questions? Thank you.

24 MS. RHODES-CONWAY: Thank you very
25 much, Mr. Chair.

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1 CHAIRMAN ZIPPERER: Any other
2 questions? Thank you. There has been discussion
3 about how much input would be available. I want
4 to make clear to everybody obviously here who may
5 not wish to speak or folks watching on the
6 Internet at home or on WisconsinEye, you don't
7 have to be here to have input into the process.
8 You can contact either of the co-chairs by e-mail,
9 by phone, by letter, and all of the documents as
10 have been stated are available on the Internet for
11 review at home and in your offices.

12 Up next, Ted Voss -- I'm sorry, Ted Voth,
13 Junior, speaking against; and on deck, Arthur Cole
14 Biggs (sic) of Madison speaking against. Okay.
15 How about Joanne Brown, Madison, speaking against.
16 Oh, I'm sorry, Arthur?

17 MR. BRIGGS: Yeah.

18 CHAIRMAN ZIPPERER: Arthur Cole
19 Biggs; Madison, Wisconsin.

20 MR. BRIGGS: Briggs.

21 CHAIRMAN ZIPPERER: Briggs, I'm
22 sorry, speaking against.

23 MR. BRIGGS: I thank you for having
24 this hearing, but like other people so far have
25 already pointed out, it's arbitrary and pointless.

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1 Everyone could say what they think about it, and
2 you're not going to listen to the changes that
3 they propose. We're in extraordinary session
4 right now or we're about to be. I don't know why
5 I was sitting in on the assembly organizational
6 committee meeting, and I think -- forget whose
7 justification it was for extraordinary session,
8 but the same things that those two Fitzgerald
9 staffers were talking about earlier today where
10 they used the justification that "we've done it
11 this fast before; therefore, we can do it this
12 fast again." 1983 situation where it is to the
13 day same type of timetable on which Risser has
14 pointed out just isn't the case. The maps were
15 actually introduced during the budget proposal,
16 budget process, and people had time to look at
17 them then.

18 And then the other justification for why
19 we're doing it so quickly was this lawsuit, this
20 federal lawsuit. If federal lawsuits or any
21 lawsuits were concerned for this administration, I
22 think a lot of things in the past several months
23 would have been handled very, very differently. I
24 think the capitol -- there's something about the
25 capitol being closed to the public for a really

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1 long time, but that's beside the point.

2 So there's a lawsuit, some retired legislator
3 who's asking you guys to do something, so you're
4 changing the rules -- there's a law on the books,
5 right? There's a law that says local
6 municipalities draw their lines, and then the
7 State comes in and draws their lines responding to
8 the local municipalities.

9 There's a lawyer in here who talked for,
10 like, 45 minutes about all the ways that we
11 shouldn't challenge these bills or these maps, and
12 the judges won't be able to -- or shouldn't and
13 won't do anything about it. I think he said
14 municipalities are the building blocks of these
15 maps. Normally you don't cut bricks in half and
16 try to build a solid foundation. You don't cut up
17 municipalities into separate districts and then
18 hope that after they do a lot of work, and they're
19 spending a lot of time and money doing this.
20 They're following the rules -- here, okay. I got
21 a -- I can't make motions.

22 That's not my place, but I'm going to make a
23 motion. How about I motion that we try to follow
24 the laws?

25 MALE SPEAKER: Second.

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1 MR. BRIGGS: It's been seconded.
2 Follow -- there's a law on the books right now,
3 and we're not -- we -- we -- we've -- the senate
4 and -- the senate and assembly have met, and they
5 are meeting in extraordinary session. You're
6 going through a process right now hoping that you
7 change the law. I mean, no, not hoping. You know
8 you will change the law because you have every --
9 you know you will because you have the votes.

10 You're not changing the law because it's
11 right or because there's overwhelming constituent
12 pressure to change this law because we really need
13 these district maps now. No, you're changing the
14 law because you know you have to to get this done
15 before the recalls. Now, I don't think there are
16 any children here. That's bullshit. That's
17 unacceptable. You can't do that.

18 If you -- you're going to do it. You're
19 going to try to do it. You're going to push it
20 through. You will have overwhelming opposition.
21 This is unacceptable. This isn't a threat, but I
22 guess get ready because -- thanks.

23 CHAIRMAN ZIPPERER: Okay. Any
24 questions? Up next, Joanne Brown; Madison,
25 Wisconsin, speaking against; and on deck,

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1 Jean wulf, City of Janesville, speaking for
2 information only.

3 MS. BROWN: You know, I was going
4 to speak about respect earlier. First I was going
5 to speak about respect for the work of the local
6 governments, and my initial comment was that I
7 condemn the disrespect the majority party shows to
8 the work of the citizens of Wisconsin. Hundreds
9 of -- thousands of Wisconsin citizens have taken
10 part. Thousands of Wisconsin citizens -- please
11 pay attention. Thousands of Wisconsin citizens
12 have taken part. Please pay attention, Chairman
13 Van Roy. This -- this -- Senator Kedzie --

14 CHAIRMAN ZIPPERER: Ma'am, please
15 address the entire committee as a whole.

16 MS. BROWN: I am trying to. I'm
17 trying to have the whole committee pay attention
18 to me while I am trying to testify to the
19 committee. This is part of the respect, the
20 respect for the citizens of Wisconsin that we are
21 not seeing from this Republican legislature.
22 Thousands of Wisconsin citizens have taken part in
23 the work of redistricting following the existing
24 state law. Now you want to throw away the hard
25 work of these citizens. The majority parties

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1 should be ashamed of this, and I also wanted to
2 comment on two statements made by Esenberg.

3 First he answered Representative Ballweg's
4 question about whether local wards were subject to
5 the same standards for representation. He said,
6 "why, yes, they are, because supervisory wards and
7 aldermanic districts are the building blocks of
8 legislative districts." The building blocks of
9 legislative districts. SB 150 turns this
10 fundamental tenet of election law in Wisconsin
11 upside down. The building blocks of legislative
12 districts. This is your expert.

13 Second, Mr. Esenberg opined that Wisconsin is
14 on the brink of having a legislatively re-drawn
15 redistricting plan. I beg to differ. As the
16 speakers and senate majority leaders, chosen
17 representatives themselves, testified, the
18 redistricting plan was drawn by themselves with
19 two staff members, a legal team, and then
20 finalized by two brothers.

21 This is not legislatively drawn unless you
22 are all willing to admit that you have seated your
23 legislative privileges to Representative
24 Fitzgerald and Senator Fitzgerald. Is that what
25 you want to do? Have you done that? It seems

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1 pretty clear. The person who came in here from
2 the Franklin City Council was only talking about
3 the Franklin City Council, and he said there's a
4 reason for why things are done.

5 I am really confused. What are the reasons
6 for the redistricting, the way it has been
7 redistricted for the map that has been drawn? No
8 reasons have been proffered other than the three:
9 equal population, fairness to minorities,
10 communities of interest are balanced. And, well,
11 sometimes they balance this way. Sometimes they
12 balance that way, and no reasons other than that.
13 Come on. Let's be honest.

14 Finally, I'm glad to see that you are very
15 attentive to the Franklin City Council president.
16 I hope you are equally attentive to the words of
17 Satya Rhodes-Conway, who was I know from that
18 liberal den of iniquity, Madison, Wisconsin, and
19 to the words of the League of Women Voters, a
20 nonpartisan agency, a nonpartisan organization
21 that represents voters from across the state, the
22 whole state. You represent the whole state, not
23 just Republicans. Please keep that in mind.
24 Thank you.

25 CHAIRMAN ZIPPERER: Any questions?

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1 Next, Jean wulf, City of Janesville, speaking for
2 information only. And on deck, David Linton of
3 Elkhorn, Wisconsin. Welcome.

4 MS. WULF: Thank you. Do you mind
5 if I stand? Is that all right?

6 CHAIRMAN ZIPPERER: Fine by me. As
7 best you can, try to speak into the microphone so
8 that folks at home can hear you.

9 MS. WULF: Thank you. My name is
10 Jean wulf. I'm the city clerk/treasurer in
11 Janesville, Wisconsin. On Monday night we adopted
12 our ward plan for the city, and we have forwarded
13 it on to Rock County for final adoption.
14 Yesterday I had the opportunity to look at the new
15 map redistricting the assembly districts and the
16 senatorial districts.

17 Based on the map that I received off of the
18 Internet, I would ask that this committee consider
19 an amendment. I am asking for six census blocks
20 to change, and it would change the population in
21 Assembly District 31 and 44 by 17 people. In
22 order to do that, I will only have to create two
23 wards. If it is as it is now with your plan, I
24 will have to create six additional wards. I can
25 live with two additional wards.

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1 Back in 2000 when we went through
2 redistricting, I was required to create a new ward
3 to accommodate Congressional District No. 2 with a
4 population of over a hundred, and what I'm trying
5 to do is make your plan work within the City of
6 Janesville's plan, and I don't know if you have my
7 handout. It was distributed probably 10 o'clock
8 this morning. It identifies the six census blocks
9 that I would like to change. Five of the census
10 blocks add to Assembly District 44 and take away
11 from Assembly District 31, and one census block is
12 reversed adding to Assembly District 31 and taking
13 away from 44.

14 If you'll look at my map, I have Ward 19 that
15 will, based on your plan, be split into two wards,
16 which is fine. Both wards will not meet the
17 minimum standard. One ward will be two
18 individuals less than the minimum of 800, and the
19 other ward will be 632, which is 168 less than the
20 minimum. I believe that is acceptable to be below
21 the minimum if we use the same rules that we had
22 in 2000 for redistricting. As I said, I had to
23 create a ward of 100 citizens.

24 If you look at this purple ward, 22, it goes
25 from one ward to six wards. By these simple

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1 changes, it will put it back down to two wards.
2 So that is the request from the City of Janesville
3 is to do some housekeeping issues to take care of
4 the city. I also believe that when they drew the
5 lines, they forgot about these little appendages,
6 which requires new wards, and you really can't
7 have a ward of ten people or seven individuals or
8 zero. They just kind of, you know, naturally went
9 by this highway. But we had these annexations in
10 the last few years, and we need to include that.
11 So that is our respectful request, that the
12 committee makes an amendment to your plan.

13 CHAIRMAN ZIPPERER: Well, thank you
14 for bringing that to our attention. I did see it.
15 We got a paper copy. If there's a way to provide
16 it to us electronically, I think that would be
17 appreciated. We can make sure you get the proper
18 e-mail address to send that to.

19 MS. WULF: Okay. Thank you.

20 CHAIRMAN ZIPPERER: Senator
21 Erpenbach.

22 SENATOR ERPENBACH: Yeah, a couple
23 of quick questions. You testified for information
24 only. I noticed that.

25 MS. WULF: Amendment to your plan.

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1 MR. ERPENBACH: Right, okay. Have
2 you talked to others, municipalities around the
3 state? You've obviously rearranged your schedule
4 to be here, so did Franklin, so did Fitchburg, so
5 did Madison, but, you know, fairly close. Have
6 you talked to others around the state on the
7 issue?

8 MS. WULF: No, I have not. I found
9 the map and decided I needed to -- as an
10 administrator of elections in the City of
11 Janesville, it was my duty to appear today to make
12 the best effort to assist the city and to keep
13 from creating six wards, to bring it back down to
14 two wards. It is more efficient and effective
15 administration of an election.

16 SENATOR ERPENBACH: Okay. How was
17 the process for Janesville for coming up with your
18 map?

19 MS. WULF: Rock County had an ad
20 hoc committee made up of county board supervisors
21 and citizens at large. They drew the supervisory
22 districts and then sent it to the local level. In
23 the City of Janesville, our representatives are
24 elected at large, so we do not need to worry about
25 aldermanic districts in keeping with the

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1 population.

2 So administratively we split the supervisory
3 districts in half. There wasn't really a lot to
4 do in the City of Janesville. Most of the work
5 took place at county level and the interaction
6 between the committee and local officials, and
7 we're very cognizant of communities of interest,
8 school boundaries, making sure that we have the
9 appropriate ward size for each of the communities.

10 SENATOR ERPENBACH: Okay. There
11 are others out there obviously who are in similar
12 situations. We just haven't been able to hear
13 from them yet. Would it be your preference that
14 we just kind of slow the train -- sorry, the bus,
15 slow things down here a little bit so everybody
16 has a chance to look and see, because there's
17 going to be a lot of other municipalities who are
18 going to have to come forward with their
19 amendments. They just may not know it yet.

20 MS. WULF: I can't speak for other
21 municipalities. I am just taking care of my
22 constituents.

23 SENATOR ERPENBACH: Okay. We're
24 supposed to vote on this on Friday and then again
25 on Tuesday. Odds are pretty likely you won't get

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1 your amendment. How do you feel about that?

2 MS. WULF: Then I will be required
3 to create six wards.

4 SENATOR ERPENBACH: Okay. Thanks.

5 CHAIRMAN ZIPPERER: Representative
6 Bewley.

7 REPRESENTATIVE BEWLEY: Thank you.
8 You said you heard about the maps. How did you
9 find out about them?

10 MS. WULF: Well, on the news, but
11 it wasn't detailed enough maps for me to look at.
12 So I couldn't see how it affected the
13 municipality, and I received a link Tuesday
14 morning where I could drill down and see the
15 actual streets and how it would affect the City of
16 Janesville.

17 REPRESENTATIVE BEWLEY: So you
18 heard about it on the news?

19 MS. WULF: The news, yes,
20 definitely, and then I tried looking for it over
21 the weekend. And I couldn't find a detailed
22 enough map. I knew it affected us, but exactly --
23 you can't really tell much from an
24 8-and-a-half-by-11 sheet of paper.

25 REPRESENTATIVE BEWLEY: Right. So

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1 essentially you weren't notified in any way. I
2 mean, nobody -- the State didn't call you and say,
3 "By the way, we know you did your redistricting.
4 Thanks, but you better take another look." You
5 just had to react to your own personal
6 circumstances that you as a citizen heard about
7 it.

8 MS. WULF: I keep very informed on
9 what happens in my position and job.

10 REPRESENTATIVE BEWLEY: Okay. I
11 appreciate that because, of course, in many areas
12 of the state they are served by news services from
13 outside of the state. Up where I live it comes
14 from Duluth, who didn't report on redistricting.
15 I question my constituents whenever I hear from
16 them, yesterday and today, "Did you hear about the
17 maps?" "what maps?" "Did you hear about
18 redistricting?" "No, what?"

19 And it was only in -- you know, we have
20 newspapers that are weeklies that come out on
21 wednesdays, so they hadn't heard about it yet.
22 And, in fact, I know that there will be
23 communities that will not know about this until
24 after the law has been passed, and I'm very
25 grateful that you are here. I'm very grateful

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1 that we're going to have the chance to listen to
2 the half dozen communities that have the time, the
3 ability to come to Madison, show us their maps,
4 and maybe by some grace a couple of them are going
5 to get fixed.

6 But the balance of the state are going to
7 find out too late, and they will be unserved. And
8 I guess I'm not asking you to comment on that
9 other than I'm very glad that your community
10 might -- might have a chance to get it made right.
11 Thank you.

12 CHAIRMAN ZIPPERER: Any further
13 questions? Thank you.

14 MS. WULF: Thank you.

15 CHAIRMAN ZIPPERER: David Linton,
16 Elkhorn, Wisconsin, speaking against. And up
17 next, Helen Nagler of Appleton speaking for
18 information only. Mr. Linton.

19 MR. LINTON: Yes. Thank you,
20 Chairman. Thank you, Committee, for the
21 opportunity to speak. I'm speaking in opposition
22 to all three bills, and I'm speaking as a private
23 citizen. I represent no organization, no -- I've
24 got no group behind me. I'm just me. I found out
25 about this over the weekend and realized that this

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1 was being fast-tracked and that this is my
2 one-and-only opportunity to be heard, to
3 understand, to have a hearing on something that's
4 going to be affecting me and the rest of the state
5 for the next ten years.

6 I am opposed on several grounds. First off,
7 the timeframe that you're trying to run this
8 through. It was introduced on Friday afternoon.
9 Public hearing is wednesday. I heard about it
10 over the weekend. This committee is voting on
11 Friday. It's supposed to go through the
12 legislature Tuesday, and who knows whenever Scott
13 will probably have some big party to celebrate
14 signing this thing. Probably next week. This is
15 all the public we've got in here to it. This is
16 going to affect all of us for ten years. You need
17 to hear more.

18 Secondly, the secrecy involved in the entire
19 process. There were no working maps. There were
20 no working drafts. All this was was a group of
21 attorneys hired by one particular caucus just on
22 their own and all of a sudden, boom, pops full
23 form and dumped onto you. That's no way to work.

24 The third point is that this really does not
25 respect local control. It does not respect local

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1 boundaries. I am astounded to find the party in
2 power, the so-called conservatives, the so-called
3 protectors of local control, now are the party of
4 big central power. "We have power. You will do
5 what we tell you." Okay? You're telling all of
6 the local units where they can get off because we
7 know better.

8 where is that in your conservative roots?
9 I'm dismayed. I'm not seeing a clear rationale
10 anywhere for why this has to be accelerated, what
11 the timeframe is. What is the rush? Do you hear
12 it? Do you hear a groundswell coming from people
13 saying, "we need to redistrict, and we need to
14 redistrict now"? Where is it coming from? Okay.

15 I'm not hearing a clear rationale for why
16 this needs to be considered under the rules of an
17 extraordinary session. Of course, I don't
18 understand why the state budget bill was
19 considered under rules of extraordinary session.
20 I tried asking my representative, I tried asking
21 my senator, and I tried asking my governor for a
22 clear explanation of why the rules of
23 extraordinary session were used.

24 Did the Russians march into Antigo? Did the
25 Japanese Imperial Army capture Arcadia? Have the

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1 terrorists taken over Lake Geneva? What civil
2 emergency required extraordinary session? No
3 clear answer to that. So, yes, I -- just as a
4 citizen, I am opposed. I honestly wish there were
5 more opportunities for more citizen input. I
6 thank you for your attention and your time.

7 CHAIRMAN ZIPPERER: Thank you for
8 your comments. Any questions? Thank you. Next,
9 Helen Nagler, Appleton Redistricting Committee,
10 speaking for information only. And on deck, Susan
11 Kay, Madison, Wisconsin. Welcome Ms. Nagler.

12 MS. NAGLER: Thank you. I'm glad
13 to be here. I would have been happier if I hadn't
14 had a county board meeting last night and had to
15 get up early to get here, so I'm very tired. So
16 I'm a little crabby. Please put up with me.

17 CHAIRMAN ZIPPERER: We've had to
18 deal with crabby people before. It's all right.

19 MS. NAGLER: I am the county board
20 chair, Outagamie County. I have served on the
21 Appleton City Council; and although I served on
22 the redistricting committee, I did not chair it.
23 But the chair has requested that I come because I
24 was the only one who was able to get here, and
25 some of you might know me. I might have talked to

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1 you, and I guess representatives who know me know
2 I'm a pretty dollars-and-cents person. So that's
3 what this is going to be pretty much about.

4 First of all, when I found out about this on
5 Monday, I asked our -- we're fortunate enough to
6 have a GIS department, and so he did an overlay so
7 we could see if we could fix it. Now, I wish I
8 was in the position to ask you to do one thing;
9 but if you know Outagamie County, it borders on
10 Calumet and Winnebago. Appleton, the city that I
11 am a part of, is in three counties. We are the
12 biggest city in two counties. We are the biggest
13 city in Calumet County and Outagamie County, and
14 we have a portion of Winnebago County that is part
15 of the city. We also have two other cities that
16 are in two counties: New London, Wrightstown.

17 So the reason I'm here is we've been working
18 really hard. Before I was County Board chair I
19 chaired the Finance Committee for quite a few
20 years. The goal that we had as a county when we
21 did the Redistricting Committee was to make the
22 boundaries understandable because we understood
23 clearly that we would have less resources in the
24 future, so we wanted to make the boundaries really
25 clear so people would understand where their

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1 boundaries are.

2 So we used major roads as much as possible.
3 We thought that would let people know that we
4 wouldn't ask as many questions, and it would help
5 in training coworkers because with the
6 multi-county and everything that was going on
7 here, it was hard to get poll workers to get
8 accurate, so we thought that would help. The
9 other reason, quite frankly, is that in the last
10 redistricting, and I've served on three
11 redistricting committees, last one we kind of
12 messed it up in Appleton. And it was really a
13 mess, and we wanted to straighten that out.

14 We also have Lawrence University in Appleton,
15 which is an issue in and of itself, and that was
16 in three supervisory aldermanic districts. And
17 none of the kids could ever figure out how to go
18 and vote, so we tried to straighten that out. So
19 in order to straighten it out, we thought that we
20 would try to put the districts -- we didn't want
21 anybody divided, any of the small towns in our
22 rural section divided into more than two if we
23 could help it, and we wanted to cut down the
24 number of wards because the ward costs are
25 expensive. And the more wards you have, the more

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1 you spend on elections.

2 You have to do sample ballots for everybody
3 on the ballot for every ward. Sometimes if you
4 have a very small ward, you do sample ballots, and
5 you have voters. You also need to do -- for the
6 test ballots you also have the layout costs, the
7 programming costs, all of those things, the
8 advertising costs. We thought we could save some
9 money that way, so we tried to do that.

10 And in short we thought we would try to save
11 the property tax -- our property taxpayers because
12 they pay for all the elections, so we did that.
13 So to accomplish this, we started out with a
14 committee of nine, and we started out with just an
15 informal meeting. We notified all the towns,
16 villages, cities. We were fortunate enough to
17 have one of the members of the City Council who
18 was also on the County Board, and he chaired the
19 City of Appleton's Redistricting Committee. So he
20 went to training with us, and we did the training.

21 And we had informal meetings. They told us
22 what they wanted, and it was pretty much what we
23 had already decided we would do. So we sent our
24 GIS people together to do six maps, two of one
25 size for a County Board and two for the other.

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1 when those were done, we had another informal
2 meeting, and we had the citizens come back. And
3 we had really good participation.

4 They looked at the maps, and they chose one
5 from each -- well, really it was overwhelming.
6 They chose one for 36, which I know you find
7 incredible, but our board meetings start at 6:30,
8 and they're done by 8. So we do okay with that.
9 So we did because that laid out best, and then we
10 had -- they looked at the maps. They made some
11 suggestions that we tried to change, and then we
12 had a public hearing.

13 It took a long time to do all this, but we
14 had the public hearing. There were still some
15 changes. We had done some things like we thought
16 it was a road, and it was an alley. I mean, some
17 of those things we changed. We also put none of
18 our supervisors on the map, and we wanted to have
19 districts as squared off as possible. So then the
20 city got it. The City of Appleton had approved
21 their map last week. They have I think eight
22 districts that are coterminous. This means that
23 this will cut down on their election costs pretty
24 dramatically.

25 And actually had we known that we were going

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1 to have to follow the State, we would have been
2 happy to cooperate to do that, but we didn't know
3 that. So we would like the legislature -- because
4 there are other counties that have, but we are
5 going to have to redo this whole thing.

6 I mean, we -- we just absolutely are because
7 Peter Stick, who came in from Appleton, chaired
8 that committee, looked at this map yesterday
9 before the County board meeting. He knows his
10 communities. We can't do wards with the current
11 requirements out of what we've got here. In order
12 to match the lines that are here, we don't have
13 the numbers that are required in the law to do
14 them. We'll have to do something with half of our
15 supervisory districts, and that is really
16 problematic.

17 I'm not going to speak for Appleton; but
18 since I was on the Appleton City Council the last
19 time we did the redistricting with Calumet County
20 having to match up, this is going to be a mess. I
21 mean, I would like to say something else, but it's
22 a mess. It's an absolute mess, and we also have a
23 timeframe. I mean, we have to get these things
24 done by October 1st so people know what districts
25 have changed so they can think about running for

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1 office.

2 We have a nonpartisan race that begins -- we
3 have to have everything done, and people have to
4 be willing to take up papers December 1st. With
5 local offices it's hard to get people interested
6 in running for office, period. We've got a mess
7 going here, and we don't know how we can do this
8 and get the public -- everything done.

9 So I guess I would respectfully request that
10 if you can't find it in your hearts to wait, which
11 I think would be the best thing to do, at the
12 minimum, those of us who have done this and have
13 this all in our GIS systems and have it so that
14 you can access it at the state level -- I mean,
15 Appleton has sent theirs in. We sent our plans.
16 I think all the counties have sent their plans in.

17 It would be most helpful if you used your
18 building blocks, and you looked at the map that
19 you have now for the senate and the assembly
20 districts and at least to get the building blocks
21 that are available now and use those so we don't
22 have to start from square one because actually all
23 of this cost is borne by the property tax owners.
24 I mean, it's all borne there. We've already got
25 considerable money into it.

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1 And, actually, since we're losing money, we
2 unfortunately have to -- we have no money. I
3 mean, we actually have no money to fool around
4 with things that we shouldn't have to fool around
5 with. And I'm really sorry this happened. I
6 think probably a lot of you are sorry this has
7 happened, but you don't have to have it. We have
8 to fix it. We also have to fix family care. We
9 also have to fix solid waste.

10 I mean, and we're kind of resolved to that,
11 but we don't really have the time to fool around
12 with something like this. We have to fix other
13 things, and we will fix this, I mean, but it would
14 be better if you would help us do it or you would
15 fix it for us because it's -- or at least give us
16 the money to fix it. I know.

17 CHAIRMAN ZIPPERER: Any questions
18 from committee members? Representative Danou.

19 REPRESENTATIVE DANOU: Just want to
20 be clear. What if you had your choice, what would
21 you ask this committee to do?

22 MS. NAGLER: Well, honestly, as
23 everybody else said, we went to training. We
24 talked really hard. We asked people to follow the
25 law. We asked people to understand this was for

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1 the citizens. we have two people on our
2 redistricting committee who are in races. I mean,
3 actually, I don't like my district either. I have
4 Lawrence -- all of Lawrence University in my
5 district.

6 I mean, I don't like that much either, but we
7 all said let's see how this makes sense. And we
8 do know our communities, and New London knows
9 their community. Hortonville knows their
10 community. By the time we -- the reason we can't
11 fix this is because of the way these lines are
12 drawn. when you talk about the domino effect,
13 once we use these lines, we've got to do it again
14 because we have a large section of rural, and we
15 have -- most of our population is pretty much in
16 the southeast corner. It's just -- our planner
17 looked at this.

18 Yesterday when we looked at it, he could see
19 20 changes right up front, and he didn't really
20 have a lot of time to do it because, as I say, we
21 just found out about it on Monday. So he did what
22 he could with what we had. It's a problem, and I
23 don't think we're alone. I know the woman -- I
24 talked to one of the staff people at Central
25 Regional Planning who works with this, and she

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1 called other counties in our region. And they're
2 having the same problem.

3 I mean, it's not isolated, and so I don't --
4 you know, I never envy people who have hard
5 decisions to make, but please consider all the
6 citizens who spent their time and money, all the
7 funds. And we're kind of frazzled at the counties
8 these days. So if you could help us with this, it
9 would be helpful.

10 CHAIRMAN ZIPPERER: Thank you for
11 coming in. Next, Susan Kay, Madison, Wisconsin;
12 and on deck, Brian Standing, Madison, Wisconsin.
13 Ms. Kay? Doesn't appear that she's here. Brian
14 Standing, Madison, Wisconsin? Going once --

15 MS. NAGLER: Excuse me, I did bring
16 the guidelines for redistricting.

17 CHAIRMAN ZIPPERER: Sure. Hand
18 them to the page staff, and we'll have them
19 distributed. Harriet Callier, ARACOPA Coalition
20 for Social Justice, speaking against. Please
21 correct me if I pronounced that wrong.

22 MS. CALLIER: Yeah, I will. Good
23 morning -- or good afternoon. Did start out this
24 morning. I will try to not repeat a lot of what
25 has been said. I do -- I am opposed. I didn't

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1 think you had a chance to mention that one.

2 CHAIRMAN ZIPPERER: Oh, sorry.

3 MS. CALLIER: I'm more concerned
4 with what has happened or what will happen in
5 Assembly Districts 8 and 10. I'm from Milwaukee.
6 We've been waiting to speak -- well, I've been
7 waiting to speak on this piece. I got word of
8 this happening pretty much the same way that
9 everyone else did; but a step further, I got
10 access to the link solely because GIS is not
11 solely a reserved piece in healthcare, which is my
12 background.

13 We've been using GO Access, ZIP Plus 4, and
14 then you lay that over the van maps, and you get
15 to see or speculate on what you believe will be.
16 I don't have to speculate anymore because Hispanic
17 Republicans were succinct in saying this was to
18 protect the sensibilities of Shorewood, which
19 takes into account Darling, and it also takes into
20 account those people who were offended by the
21 independents who've run from last November until
22 now when Pauly Williams chose not to -- Legislator
23 Williams chose not to return to the legislature.

24 And it has -- it affected those individuals
25 who for a number of years have been silent or

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1 dormant for various reasons. On the east side
2 they were dormant because they didn't care for the
3 candidate that won each time. Middle group, the
4 district that -- or the areas that are going to be
5 affected by this, house by house, were dormant for
6 other reasons. But independents have come in and
7 been able to, with the absentee ballot and with
8 canvassing, to spark an interest. Those people
9 have now voted. Those people have now acted.

10 Those people with this legislation will now
11 be disenfranchised, will be forced into the 11th,
12 will not have access -- if Ted and Adam are
13 correct, will not have access to vote again for
14 six years. So then you shove them back into
15 silence. You silence them again, voter
16 suppression at the top, because you know what the
17 makeup of this population is.

18 And, again, I say I can speak to that because
19 I was recruited to Milwaukee. I worked for the
20 Federally Qualified Health Centers nationally.
21 The piece that I do focuses on the insurance and
22 the medically underserved areas, and that is why
23 I've had access to GO Access and know that
24 information as far back as '95 when I first
25 started to work for the insurance companies, who

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1 had to then justify whether they were providing
2 quality care and if the patient actually had
3 access to a doctor based on that state's lines,
4 and that was in another state far removed.

5 when ZIP Plus 4 came in, we had to re-draw.
6 Re-drawing and boundary lines is no new item to
7 me, neither is the software, neither is the
8 technology that they're saying is only -- it's so
9 far out there no one can understand it.

10 Same or very similar situation is occurring
11 in the 8th. That portion of the Shorewood -- that
12 portion of Darling's area that had for years been
13 dormant, been silent. They didn't move there by
14 choice. There is no new construction in either of
15 the areas. That portion is the ones that have
16 been, I'd say, for lack of better words, a
17 resettlement of African-Americans to Milwaukee to
18 the outskirts, the low-income populations.

19 And now we're finding with canvassing, they
20 are the ones who are living in residential areas,
21 where the Republican leaders, each time we go out
22 to canvass have a new rule about why you can't
23 even knock on a door, and this legislation will
24 buy them enough time that we don't ever have to be
25 concerned about it. This is what we're

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1 entertaining each time we go out and volunteer and
2 try to spur interest in the political processes.

3 Those people have interest in the processes
4 now. They're coming out. They're voting. This
5 will again suppress their votes or suppress their
6 participation simply by drawing a line, shoving
7 them over, and I'm not speaking for the Democratic
8 party or the Republican party. Independents have
9 been the ones who've turned in at last minute.

10 The Election Commissioner could have spoken
11 to the fact that they turned in votes at last
12 minute because they go out and get people
13 registered and give them a ballot, and now those
14 people are bringing others in to -- and this is
15 not a part of the census. This is a part of the
16 political process that's going on in Milwaukee.

17 For the record, I am a Democrat, have never
18 needed to change party. While I was living in
19 Wisconsin, I was the chair of the membership -- I
20 was the membership chair for the Democratic Party
21 of Milwaukee County. I gave that position up
22 because my job started to take me more on the
23 roads. There are federal clinics not just in
24 Milwaukee but the ones down in Rock County that
25 service Janesville and Racine, and so I get to see

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1 where those lines are. I get to drive the back
2 roads on County Road X or Highway X through
3 Clintonville.

4 And if you didn't have to slow down for the
5 schools, you would pass through it. You'd never
6 know it's there. And where the lines are falling
7 are not along race and not along party. They're
8 along economic lines. Don't have to speculate.
9 Did have to guesstimate from my records, but he
10 came, and he bothered to tell you top of the
11 morning, that, yes, we are focusing not on the
12 first two principles but on the sensibilities of
13 the good folks that we Republicans represent.

14 And I'll be brief. This will be my last
15 comment, because I guess all of it is comments at
16 this point. I come from Republican states.
17 Didn't run from them, but I grew up in Republican
18 states. I was educated, and I'm very proud. We
19 brag about it, be proud of the education I got.
20 Under Governor wallace in the sixties, we knew
21 what a Republican meant. We knew what they
22 represented, but they also bothered to at least
23 have some chromosomal table for every other
24 citizen.

25 what I've seen in Wisconsin, when I got here

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1 and understood healthcare and that you didn't have
2 a county hospital, allowed not to have a county
3 hospital, enroll into what's called GAMP and
4 enroll it into BadgerCare but you hold up
5 BadgerCare from December to -- all of this
6 foolishness, it's not along the lines of any
7 people. You couldn't care about a person at all.
8 It has now become party.

9 It is not my fight, but it is my
10 responsibility to share with you what I know. And
11 I know what's going on in the 8th and the 10th is
12 not along party lines. It's along another set of
13 lines, and even the best educated professor from
14 Marquette will not be able to defend that
15 challenge should it be put to court. Thank you.

16 CHAIRMAN ZIPPERER: Thank you. Any
17 questions? Oh, I'm sorry, Representative.

18 REPRESENTATIVE ZAMARRIPA: Thank
19 you, Mr. Chair. Thank you so much for coming to
20 the capitol today to testify, and I really have
21 more of a comment to make than a question. But I
22 appreciate you shedding light on how this could
23 adversely affect some of our under-represented
24 communities, communities of color, the
25 African-American community, and these are concerns

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1 that I raised earlier today, too, specifically
2 pertaining to my Latino community, another
3 under-represented community of color.

4 So I just again want to express to the public
5 and to my colleagues that there just isn't the
6 time. You were one of the few people of color and
7 I believe the only African-American woman who's
8 testified today before us. We've been holding a
9 public hearing all day, and I just find that -- I
10 find that very alarming.

11 We're just not allowing the time for real
12 dialogue to happen with all the diverse
13 communities of our state of Wisconsin, so thank
14 you again for representing.

15 CHAIRMAN ZIPPERER: Next, looks
16 like Nicholas Zabos, City of Madison, speaking
17 against. Mr. Zabos?

18 FEMALE SPEAKER: He's gone.

19 CHAIRMAN ZIPPERER: Okay. Amy
20 Nobel, Madison, Wisconsin, speaking against. No.
21 Lisa Whitaker-Duval, Madison, Wisconsin, speaking
22 against. No. C.J. Terrell, Madison, speaking
23 against. And just to let everybody know in case
24 there's anybody wishing to submit a slip, there
25 will be one more after this, and that will

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1 conclude testimony. welcome, Mr. Terrell.

2 MR. TERRELL: Hello again. Kind of
3 disappointed I keep having to see all of you. Not
4 that I don't like any of your faces. I just have
5 other things I could probably do more productive
6 for myself than coming here to talk about why the
7 rules are being broken again. To me it's
8 extremely hypocritical that laws are being made
9 right before rules are being broken.

10 I'm getting tickets on a fairly regular basis
11 and being arrested and dragged out of my building
12 for breaking rules that are being made up the
13 night before, and you guys are breaking rules that
14 have been in place for years in the State of
15 Wisconsin. And you're just legislating your own.
16 I have a message from the people. You're not that
17 important. You're not, just plain and simple.

18 You wear suits, and you walk into a big
19 building. That is your job. Your job is to
20 listen to the people. You're not doing it. So
21 you're pretty much making a mockery of the system,
22 and we're sick and tired of it.

23 I would also like to extend gratitude to you
24 guys because every time you do something like
25 this, you're just adding people to my side of the

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1 cause. I'm getting phone calls. I'm getting
2 e-mails. I, along with several who have become my
3 closest friends and family, even though I knew
4 most -- or I knew nearly none of them before
5 February 14th, we've organized, and we are
6 preparing to fight back.

7 And every time, especially today, I'm hearing
8 people from places like Appleton, generally red
9 area of the state. As you radical right-wing --
10 because conservatives are not who are in power
11 right now, as you guys start to overreach more and
12 more and more and stretch away from your
13 conservative base, I'm getting more calls every
14 day from Republicans who are looking for a place
15 for their voice to be heard for real. So I'd like
16 to say thank you for that.

17 You know, this is all about protecting your
18 jobs. I'd also like to say thank you for finally
19 using a method that's precedented in
20 gerrymandering. It's something politicians have
21 been using to protect their jobs since politics.
22 But, you know, when you try to push it through in
23 five days, it's just more people that get alarmed.
24 It's like if there was less arrogance and you guys
25 have passed things slowly and, you know, we

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1 wouldn't have even noticed probably.

2 Like, you could have been so much more
3 successful at this, and I would just -- man, this
4 is just ridiculous. So I guess I would just like
5 to say that as an educated black man in the State
6 of Wisconsin, your agenda has failed already on
7 me, and I look forward to making sure it fails for
8 the rest of the young minority youth in this state
9 because we will get educated. We will rise up,
10 and we will fight everything that you are
11 currently proposing.

12 I'm tired, and I'm going to start calling
13 things like they are. The Voter ID Bill is
14 racist, blatantly and overtly. Anybody who votes
15 for the Voter ID Bill is a racist blatantly. The
16 Arizona Copycat Bill is racist. The AB 173, I
17 think it just got its number, racist, terribly,
18 openly racist. And the most racist part about
19 that bill is if you're worried about illegal
20 immigrants in the state of Wisconsin,
21 geographically we should be carding people that
22 look like you. Are you from Canada? Are you from
23 Canada? Are you from Canada?

24 It's a shame, an absolute shame, that none of
25 you have the dignity and respect to at least

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1 follow the rules while you're screwing the people
2 of this state, and one more -- oh, hey, Pridemore,
3 how's it going? Racist one. No more kids. We've
4 got a couple that are --

5 CHAIRMAN ZIPPERER: Remember we are
6 on WisconsinEye.

7 MR. TERRELL: Yeah, we are on
8 WisconsinEye. But if the rules don't apply to
9 you, then they don't apply to me. And I would
10 like to say that this is Bullshit No. 2 for the
11 day. So I applaud you all for doing this in a way
12 that woke up the people, and I look forward to
13 seeing you all in your districts when I'm running
14 against one of you in the near future.

15 The 28-day residency requirement is not long
16 enough to make sure that we don't just start
17 running real people in all of your districts, and
18 I will be working myself to the bone. And if I
19 work so hard that I stay up for an entire year and
20 die of exhaustion to do it, I don't care. So I'd
21 like to let you all know that I lack caring about
22 that anymore. See you all later.

23 CHAIRMAN ZIPPERER: Up next,
24 Wendell Harris, Milwaukee, NAACP, and then on deck
25 and the last listed is Patrick Robins, Madison.

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1 welcome, Mr. Harris.

2 MR. HARRIS: Thank you. Good
3 afternoon. I started out this morning. I am
4 Wendell Harris, and I'm a longtime member and
5 former vice president of Milwaukee branch NAACP.
6 I'm the current chairperson for the Educational
7 Committee for Wisconsin Conference --

8 CHAIRMAN ZIPPERER: Sir, I'm sorry
9 to interrupt, but if you could turn on your
10 microphone so that they can hear you.

11 MR. HARRIS: Are we there now?

12 MALE SPEAKER: You're there.

13 MR. HARRIS: Thank you. Good
14 afternoon. My name is Wendell Harris. I'm a
15 longtime -- longstanding member and former first
16 vice president of the Milwaukee branch of NAACP.
17 I'm the current chairperson of the Educational
18 Committee for the Wisconsin NAACP State Conference
19 of Branches. I've been asked to speak today on
20 behalf of the Milwaukee branch NAACP and the State
21 Conference of Branches, presidents James Paul and
22 Tom White respectively.

23 Founded in 1909, the NAACP is the nation's
24 largest standing civil rights organization. NAACP
25 was instrumental in the struggle to outlaw legal

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1 segregation in the United States. Our mission
2 stated -- our stated mission is to ensure
3 political, educational, socioeconomic equality and
4 rights for all persons and to eliminate racial
5 hatred and discrimination.

6 Perhaps our most important focus has been to
7 ensure the right to vote for African-American
8 citizens, including the right to make -- to make
9 our votes count in a meaningful manner. The NAACP
10 helped secure the passage of the historic Voting
11 Rights Act of 1965 and its extension in '70, '75,
12 '82, and most recently in 2007. The NAACP and its
13 branches have litigated hundreds of voting right
14 cases under the U.S. Constitution and later the
15 Voting Rights Act to guarantee those rights for
16 all African-Americans.

17 We fought to allow electoral devices and
18 schemes which deny, abridge, suppress or dilute
19 the right to vote. Our state's NAACP branches
20 have likewise fought to ensure meaningful
21 representation of the votes of all
22 African-Americans in the state of Wisconsin.
23 African-American voters, when it comes to drawing
24 electoral districts, we see our vote -- our right
25 to vote in two ways.

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1 First, we fight to ensure that the district
2 that includes large concentrations of
3 African-Americans, the lines are drawn which
4 permit us to elect the candidates that best
5 represent our issues and concerns. As such, we
6 have the right to have electoral districts that do
7 not dilute our vote.

8 Second, in those electoral districts and
9 geographic areas where we do not constitute the
10 majority, we also have the right to influence the
11 election of candidates who acknowledge that our
12 issues and concerns matter and will include in the
13 decision-making process. It is in this situation
14 the right to influence the outcome of elections
15 that the Republican redistricting plan
16 disenfranchises thousands of African-American
17 voters, primarily in southeastern Wisconsin.

18 The Republican redistricting plan does this
19 by packing all African-American voters into a
20 single district for the sole purpose of removing
21 influential African-American voters from otherwise
22 white majority districts in which we could have an
23 influence on the outcome of the elections. As you
24 know, the Republican redistricting plan removes
25 African-American voters residing in District 8,

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1 currently represented by Senator Darwig and packs
2 us into a largely African-American district
3 currently represented by Senator Taylor.

4 It also removes African-American voters who
5 currently represent -- currently represented by
6 Senator Vaukner in District 5 and packs those
7 voters into the largely African-American district
8 currently represented by Senator Coggs in District
9 6. Equally destructive is the packing of all
10 African-American voters living in Racine and
11 Kenosha currently represented by Senator Wanggaard
12 into a single senate district eliminating the
13 ability of those African-American voters to have
14 an influence over the two senate districts. Under
15 the Republican Redistricting plan,
16 African-American voters have now lost the ability
17 to influence the outcomes in three senate
18 districts in southeastern Wisconsin.

19 Final point regarding process. The drawing
20 of such lines has required the collective input of
21 many groups and individuals. Like millions of
22 other Wisconsin voters, we in the NAACP did not
23 learn until this week exactly how this proposed
24 Republican redistricting plan would impact voters.
25 We are appalled that the Republican leadership

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1 intended to fast-track this process right past the
2 local redistricting planning process that are
3 currently under way in our cities and counties,
4 even to the point that this redistricting plan
5 will even run rough shot over existing ward lines.

6 By carving up numerous wards into multiple
7 legislative districts, the legislature will make
8 the administration of our elections confusing and
9 politically potentially an administrative
10 nightmare. This affront to the democratic process
11 both on the state and local levels must be changed
12 so that all citizens are afforded a meaningful
13 opportunity to examine, debate and provide input
14 on how our legislative district lines will
15 eventually be drawn. Thank you. Are there any
16 questions?

17 CHAIRMAN ZIPPERER: Thank you.
18 Questions from committee members? Thank you.

19 MR. HARRIS: Thank you.

20 CHAIRMAN ZIPPERER: Patrick Robins,
21 Madison, Wisconsin, speaking against.

22 MR. ROBINS: Hello. Yes, I'm
23 speaking against the redistricting plan. I first
24 wanted to mention that there is an informational
25 memorandum from the Legislative Reference Bureau,

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1 Informational Memorandum 10-4 made in July 2010,
2 which has a redistricting chronology from 1950 to
3 2002 which does show that no matter, of course,
4 whoever is in charge, be it Democrat or
5 Republican, this is obviously a very contentious
6 and drawn-out process, and that's what it's meant
7 to be, because it's an extremely important thing
8 to consider for the entire democratic health of
9 this state.

10 Of course, that being said, I do believe that
11 the Republicans dislike any kind of inefficiency
12 in government because it apparently just doesn't
13 work as quickly as they would like it to. Now,
14 why that is, I'm not exactly sure. Recalls
15 certainly are not efficient. They take a lot of
16 time and effort to get going, so surely they can
17 go ahead and deal with that kind of inefficiency
18 when certainly they can put even more roadblocks
19 in the way with fake Democrats and such. That
20 works in their favor.

21 However, certain other kinds of
22 inefficiencies, like basic democracy, do not, and
23 so they seem -- you know, you Republicans seem to
24 be just throwing them out. Of course, what also
25 strikes me is that in the way that you're pushing

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1 this forward basically in order to ensure that
2 many of the recall elections will fail, I mean,
3 you're trying to do that, this oddly dovetails
4 with many of the Republicans' accusations of
5 unions and how they protect jobs, that somehow
6 they protect jobs that are for people who are not
7 supposed to have those jobs.

8 At least in terms of unions, at least all of
9 those protections were set in place legally
10 through a long process of give-and-take and
11 through rules of the unions themselves. So it
12 seems to me then that essentially the Republican
13 majority dislikes the fact that the public, having
14 seen what they have done on their jobs, would like
15 to fire them. And so the legislature is working
16 in an illegal way to get -- to assure itself of
17 its job protection, which kind of shows a level of
18 hypocrisy.

19 Also, the Voter ID Bill apparently did allow
20 for poll workers in yesterday's elections to ask
21 for picture IDs, although they -- people were not
22 required to show them, but that, of course, is
23 basic fundamental intimidation, which, again, with
24 what the legislature is doing now puts us right
25 back into the context of the Voting Rights Act of

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1 1965, which, although it focuses on race and
2 color, certainly seems apropos because essentially
3 not only does the Republican majority seem to be
4 wanting to get rid of many minority voting rights,
5 it essentially seems to be wanting to carry that
6 over to Democratic voting rights, Democratic party
7 voting rights.

8 And obviously if -- we can really only look
9 at the race and color provisions in the courts, at
10 least under the Voting Rights Act of 1965, but I
11 think it would -- I think it would be a shame if
12 Wisconsin were to become one of the states like
13 these many southern states that has to get
14 permission from the federal government every time
15 it wants to change its voting laws, which could be
16 an inevitable and -- outcome of this.

17 I also find it somewhat interesting that the
18 Republican majority has been obsessed with giving
19 local governments tools of one kind or the other,
20 but this is obviously grabbing back one of the
21 most basic fundamental long-lasting tools that
22 local governments have had. And, let's see, just
23 a couple more points. I think that there are
24 decent Republicans in this state and in the
25 majority who are either afraid to stand up to the

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1 majority of their party to slow this process down,
2 to vote this proposal down, and many who are
3 ignorant, that is, among the voters, not only of
4 what's going on but of what it entails of the
5 process that has been used.

6 And in their ignorance they will allow this
7 to happen partly, but I think, again, as soon as
8 many of these decent Republicans find out what the
9 Republican majority has done, they will be another
10 contingent of Republicans who will in disgust
11 either leave the party or work against those
12 people already in office.

13 Now, whether or not, of course, the people
14 are going to be able to vote anybody out of office
15 or into office is a matter of some dispute.
16 Again, considering the Voter ID laws and
17 redistricting and, you know, you can go on and on,
18 I do think, though, that it's helpful for us to
19 put this also in a national context because this
20 redistricting proposal is part and parcel of the
21 American Legislative Exchange Council's model
22 legislation and its defense of having states have
23 the almighty authority to do their redistricting
24 without any outside scrutiny from the federal
25 government or whatever.

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1 Of course, some of the members of ALEC in the
2 Wisconsin legislature are Robin Voss, who is the
3 state chair of ALEC. Lea Vukmir probably states
4 on her website that she was very recently ALEC's
5 legislator of the year. I believe that was in
6 2009. I'm not sure. But we can look at other
7 states. John Kasich, the governor of Ohio, is a
8 member of ALEC. Mitch Daniels, governor of
9 Indiana, is a member of ALEC.

10 There are at least 2,000 other legislators
11 apparently around the country who are members of
12 ALEC, and it is a uniformly right-wing, often
13 radically right-wing, organization that, again,
14 seems hell bent on providing its corporate
15 clients, among whom are the Koch Brothers, but
16 there are many others, so we shouldn't just
17 demonize the Kochs.

18 But this is basically a conservative
19 nationwide effort on the part of corporate --
20 corporations and their minions among Republican
21 parties around the country to destroy many
22 Democratic protections in the hopes that this will
23 create an even more powerful oligarchy or
24 plutocracy that will hopefully, in concert with
25 the legislative changes occurring in these

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1 legislatures, will ensure a Republican majority
2 for many years to come, thereby causing our
3 country, our great country, to become a banana
4 republic. Banana Republicans leading a banana
5 republic.

6 So in conclusion, I hope that the Republican
7 party will think about whether or not in the
8 coming years it wants to wake up to the day that
9 its members here and in the legislature as a whole
10 will wake up to the day when maybe a niece or a
11 nephew, a grandchild, a close friend of a friend's
12 son, whoever, will look at them and say, "Grandpa,
13 Grandma, Uncle, Aunt, why did you help kill
14 democracy in the State of Wisconsin?" Thank you.

15 CHAIRMAN ZIPPERER: That concludes
16 individuals registered to speak. Have a number of
17 registrants against: Senator Mark Miller, Senator
18 Tim Carpenter, Senator Bob Wirch, Representative
19 Barbara Tolls, Representative David Cullen;
20 Mitchell Nusbaum, Madison, Wisconsin; Mariah
21 Clark, Middleton, Wisconsin; Suzanne Stite,
22 Madison, Wisconsin; Laura Chern, Madison,
23 Wisconsin; Tony Goad, Madison, Wisconsin; Maggy
24 Merdler, Verona, Wisconsin; Carolyn Kaiser, Elk
25 Mound, Wisconsin; Joanne Elder, Madison,

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1 Wisconsin; Carrie Shepetz, Madison, Wisconsin;
2 Shirley Hidinger, Madison, Wisconsin; Francis
3 Bucknell, Madison, Wisconsin; Robert Turner,
4 Madison, Wisconsin; Paul Vernig, DeForest; Peter
5 Canon, Madison; Susan Kohn, Madison; A.A.
6 Tatarski, Madison; John Bell, Madison; Linda
7 Wilkins, no address given; Lauren Mickel, Madison;
8 Robert Canter, Madison; Anita Simanski, Madison;
9 Milan Mitchell, Fitchburg; Paul Malinchki,
10 Madison; Janet Jumalia, Madison; Virginia Ogden,
11 Madison; Nick Indelittinos, Madison; Mindy Preston,
12 Madison; Ann Marie Bell, Madison; Nicole Schultz,
13 Madison; Christine Sage, Madison; Joe Buchilick,
14 Madison; and Chris Winfield, Madison.

15 So that concludes those speaking and
16 registering. As I mentioned during the hearing,
17 senators on the committee should anticipate an
18 executive session perhaps on Friday. I will be in
19 contact as plans are more definitive and would
20 appreciate sharing any amendments and will
21 certainly share amendments with committee members
22 as we go forward. Thank you to the staff and to
23 everyone for your patience today in our over
24 seven-hour hearing.

25 REPRESENTATIVE BEWLEY: will the

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1 assembly be meeting?

2 CHAIRMAN VAN ROY: No.

3 REPRESENTATIVE BEWLEY: why?

4 CHAIRMAN VAN ROY: This was brought
5 forth earlier in the testimony that this is a
6 senate bill, and this is what we're discussing
7 today. And that's what we had on, and that's why
8 we were invited to have it as a joint committee,
9 to listen to the testimony.

10 REPRESENTATIVE BEWLEY: why? If
11 it's a senate bill, why are we here?

12 CHAIRMAN VAN ROY: To listen to the
13 testimony of the senator.

14 REPRESENTATIVE BEWLEY: why was the
15 assembly committee invited if we are not going to
16 come to meet and discuss it?

17 CHAIRMAN VAN ROY: That was a
18 procedural vote to that degree, and so that will
19 be it as far as that.

20 REPRESENTATIVE BEWLEY: But why
21 were we called here? why did we come all the way
22 here at taxpayer expense, seven and a half hours,
23 and you are telling me that we will not have a
24 chance to discuss this in committee? why was this
25 committee included here? I don't understand, and

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1 I apologize. I am new. I do not understand.

2 CHAIRMAN ZIPPERER: I mean, we've
3 heard those comments before. We just had one
4 extra registrant that came in, Mariah Clark of
5 Middleton registering against. With that, the
6 hearing concludes.

7 (Concluded at 5:25 p.m.)
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