

IN THE SUPREME COURT OF WISCONSIN
No. 2021AP1450-OA

Billie Johnson, Eric O'Keefe, Ed Perkins and Ronald Zahn,
Petitioners,
Black Leaders Organizing for Communities, Voces de la
Frontera, League of Women Voters of Wisconsin, Cindy
Fallona, Lauren Stephenson, Rebecca Alwin, Congressman
Glenn Grothman, Congressman Mike Gallagher, Congressman
Bryan Steil, Congressman Tom Tiffany, Congressman Scott
Fitzgerald, Lisa Hunter, Jacob Zabel, Jennifer Oh, John Persa,
Geraldine Schertz, Kathleen Qualheim, Gary Krenz, Sarah J.
Hamilton, Stephen Joseph Wright, Jean-Luc Thiffeault, and
Somesh Jha,
Intervenors-Petitioners,

v.

Wisconsin Elections Commission, Marge Bostelmann in her
official capacity as a member of the Wisconsin Elections
Commission, Julie Glancey in her official capacity as a
member of the Wisconsin Elections Commission, Ann Jacobs
in her official capacity as a member of the Wisconsin
Elections Commission, Dean Knudson in his official
capacity as a member of the Wisconsin Elections
Commission, Robert Spindell, Jr. in his official capacity
as a member of the Wisconsin Elections Commission and Mark
Thomsen in his official capacity as a member of the
Wisconsin Elections Commission,

Respondents,
The Wisconsin Legislature, Governor Tony Evers, in his
official capacity, and Janet Bewley Senate Democratic
Minority Leader, on behalf of the Senate Democratic Caucus,
Intervenors-Respondents.

Original Action in the Wisconsin Supreme Court

APPENDIX TO RESPONSE BRIEF OF INTERVENOR-
PETITIONERS BLACK LEADERS ORGANIZING FOR
COMMUNITIES, VOCES DE LA FRONTERA, LEAGUE OF

WOMEN VOTERS OF WISCONSIN, CINDY FALLONA, LAUREN
STEPHENSON, REBECCA ALWIN

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*Admitted *pro hac vice*
**Motion for admission *pro hac vice*
pending

CERTIFICATION BY ATTORNEY

I hereby certify that filed with this brief is an appendix that complies with s. 809.19 (2) (a) and that contains, at a minimum: (1) a table of contents; (2) the findings or opinion of the circuit court; (3) a copy of any unpublished opinion cited under s. 809.23 (3) (a) or (b); and (4) portions the record essential to an understanding of the issues raised, including oral or written rulings or decisions showing the circuit court's reasoning regarding those issues.

I further certify that if this appeal is taken from a circuit court order or judgment entered in a judicial review of an administrative decision, the appendix contains the findings of fact and conclusions of law, if any, and final decision of the administrative agency.

I further certify that if the record is required by law to be confidential, the portions of the record included in the appendix are reproduced using one or more initials or other appropriate pseudonym or designation instead of full names of persons, specifically including juveniles and parents of juveniles, with a notation that the portions of the record have been so reproduced to preserve confidentiality and with appropriate references to the record.

Signed:

Electronically signed by Douglas M. Poland
Douglas M. Poland

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Expert Rebuttal Report of Dr. Loren Collingwood

Loren Collingwood

2021-12-29

Executive Summary

In this rebuttal report, I examine electoral performance of five proposed plans. I also respond to the question of proportionality.

I conclude the following:

- The BLOC Petitioners' plan is the only plan that realistically gives Black voters an opportunity to both nominate their candidate of choice in a Democratic primary – and to elect their candidate of choice in a general election – in each of their proposed Black opportunity assembly districts. Each other party proposes a district configuration that includes at least one district that is unlikely to perform for Black voters in a racially polarized, contested primary election between a Black and white candidate.
- To prevent higher turnout white Democrats from blocking the ability of Black voters to nominate their candidate of choice in Democratic primaries, District 10 should be drawn to exclude the Village of Shorewood. Likewise, nearby predominantly white, liberal Whitefish Bay, Fox Point, and Bayside should be excluded. The other parties' plans include some or all of these in their proposed Black opportunity districts.
- The most up-to-date and accurate estimate of Black voters' proportionate share of Wisconsin's citizen voting age population is 6.5% – between 6 and 7 seats in the 99 seat Wisconsin Assembly.

My opinions are based on the following data sources:

Shapefiles of the Bewley Assembly Plan; Citizen Data Scientists Assembly Plan; Governor Assembly Plan, Hunter Assembly Plan; Legislature Assembly Plan, and the BLOC Petitioners Assembly Plan (geojson file). I also incorporate ward (precinct) data from statewide and county elections, and Census Voting Age Population (VAP) and American Community Survey (ACS) Citizen Voting Age Population (CVAP) data.

Background and Qualifications

I am an associate professor of political science at the University of New Mexico. Previously, I was an associate professor of political science and co-director of civic engagement at the Center for Social Innovation at the University of California, Riverside. I have published two books with *Oxford University Press*, 39 peer-reviewed journal articles, and nearly a dozen book chapters focusing on sanctuary cities, race/ethnic politics, election administration,

and racially polarized voting. I received a Ph.D. in political science with a concentration in political methodology and applied statistics from the University of Washington in 2012 and a B.A. in psychology from the California State University, Chico, in 2002. I have attached my curriculum vitae, which includes an up-to-date list of publications.

In between my B.A. and Ph.D., I spent 3-4 years working in private consulting for the survey research firm Greenberg Quinlan Rosner Research in Washington, D.C. I also founded the research firm Collingwood Research, which focuses primarily on the statistical and demographic analysis of political data for a wide array of clients, and lead redistricting and map-drawing and demographic analysis for the Inland Empire Funding Alliance in Southern California. I am the redistricting consultant for the West Contra Costa Unified School District, CA, independent redistricting commission in which I am charged with drawing court-ordered single member districts.

I served as a testifying expert for the plaintiff in the Voting Rights Act Section 2 case *NAACP v. East Ramapo Central School District*, No. 17 Civ. 8943 (S.D.N.Y.), on which I worked from 2018 to 2020. In that case, I used the statistical software eiCompare and WRU to implement Bayesian Improved Surname Geocoding (BISG) to identify the racial/ethnic demographics of voters and estimate candidate preference by race using ecological data. I am the quantitative expert in *LULAC vs. Pate (Iowa)*, 2021, and have filed an expert report in that case. I am the racially polarized voting expert for the plaintiff in *East St. Louis Branch NAACP, et al. vs. Illinois State Board of Elections, et al.*, having filed two reports in that case. In this case, I am being compensated at a rate of \$400/hour.

I filed my Expert Report on December 15, 2021. I refer to my prior opinions in this case on their location in the December 15, 2021, report (“December 15 Report”).

Performance Analysis

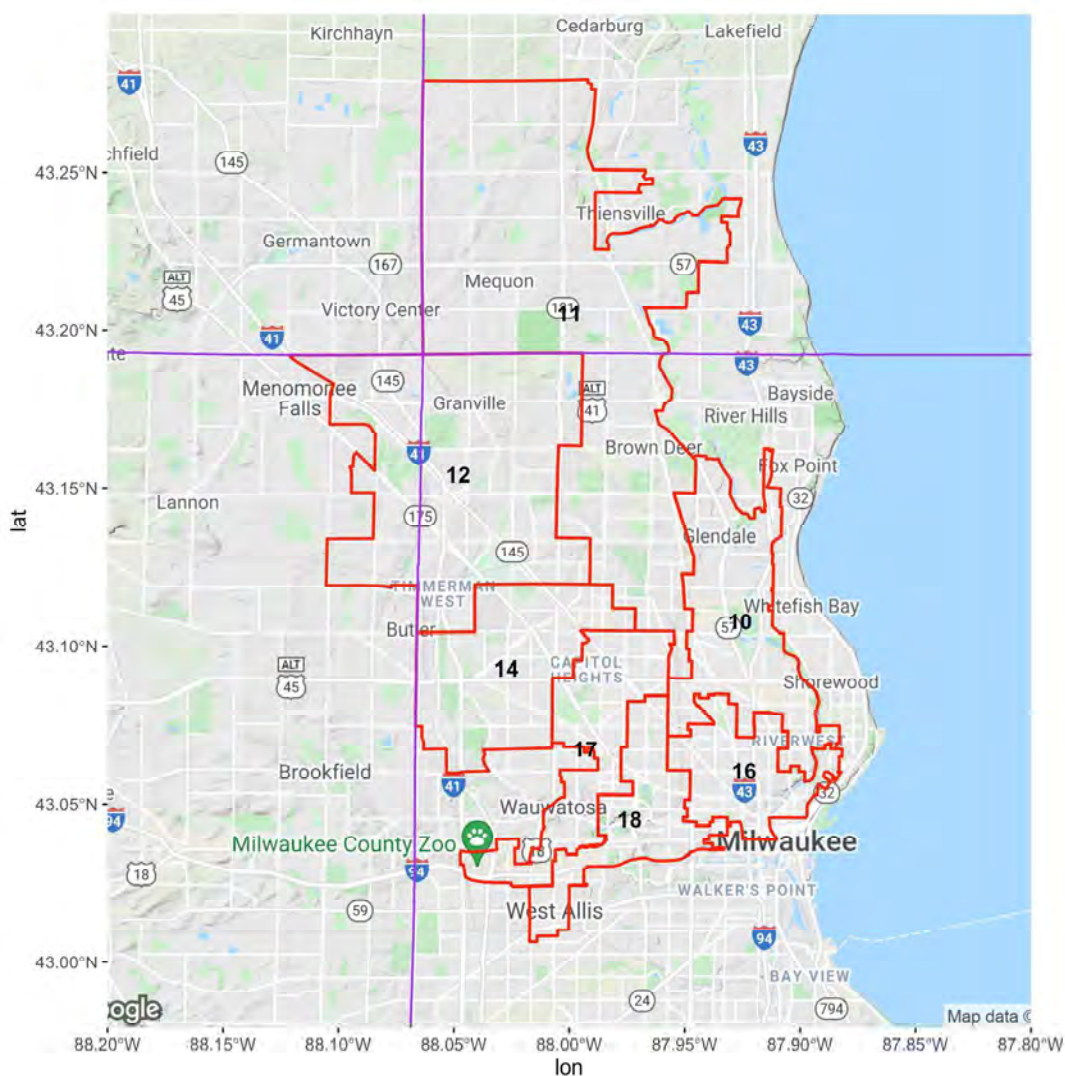
BLOC Petitioners’ Proposed Assembly

In my December 15 Report, I conducted an electoral performance analysis of the BLOC Petitioners’ seven majority-Black VAP districts. A performance analysis essentially reconstructs previous election results in a new map to assess whether a Black or white preferred candidate is most likely to win in the new districts.

Figure 1 reproduces the December 15 Report map of the BLOC Petitioners’ alternative plan labeled by district.

Figure 1. Plaintiff Proposed majority-Black remedial districts.

BLOC Petitioners District Plan



In the December 15 Report, I analyze the 2018 Democratic Gubernatorial Primary because it is the most probative contest. I also analyzed the 2021 state superintendent non-partisan primary and the 2020 Milwaukee County Executive although do not include the analysis here. The results are consistent with the Democratic Gubernatorial Primary findings – the BLOC Petitioners’ plan is the only plan that gives Black voters in Wisconsin the realistic opportunity to elect candidates of choice in both primary and general elections.

Tables 1 lists candidate performance in Plaintiffs’ proposed opportunity District 10 for the 2018 Democratic Gubernatorial Primary. The 2018 Democratic Gubernatorial primary is the most probative, because it was a partisan primary (like would be the case for state assembly seats) and it featured strong racially polarized voting. It thus best simulates the conditions that VRA remedial districts are designed to overcome – the possibility that white voters will bloc vote and defeat Black voters’ candidate of choice.

I understand that other parties’ experts also conducted a performance analysis of the 2018 Lieutenant Governor primary, in which Black candidate Mandela Barnes prevailed by a

large margin statewide. This election is less probative of the performance of districts, because it does not simulate an election in which white bloc voting might defeat the choice of Black voters – i.e., it tells us little about whether the particular configuration of district lines, given local electoral conditions, will suffice to provide Black voters an equal opportunity to nominate and elect their preferred candidate in the face of racially polarized voting.

In BLOC’s proposed Black opportunity districts, the Black candidate wins or places second (in the superintendent race) in every single district. Thus, the BLOC petitioners’ plan is extremely likely to produce seven assembly seats in which Black voters can realistically elect candidates of choice.

In the most probative race, the 2018 gubernatorial contest, Mitchell – the Black candidate of choice—receives a majority of the vote in six of BLOC’s proposed districts, and a near-majority – 46.3% – in the seventh (District 10). This election featured one Black candidate and nine white candidates, with one white candidate – now-Governor Evers – receiving the most votes among white voters.

Table 1. Electoral performance analysis 2018 gubernatorial Democratic primary in plaintiffs’ proposed opportunity plan, District 10.

Candidate	Percent
B_Mitchell	46.3229
W_Evers	24.4416
W_Roys	12.2299
W_other	17.0056

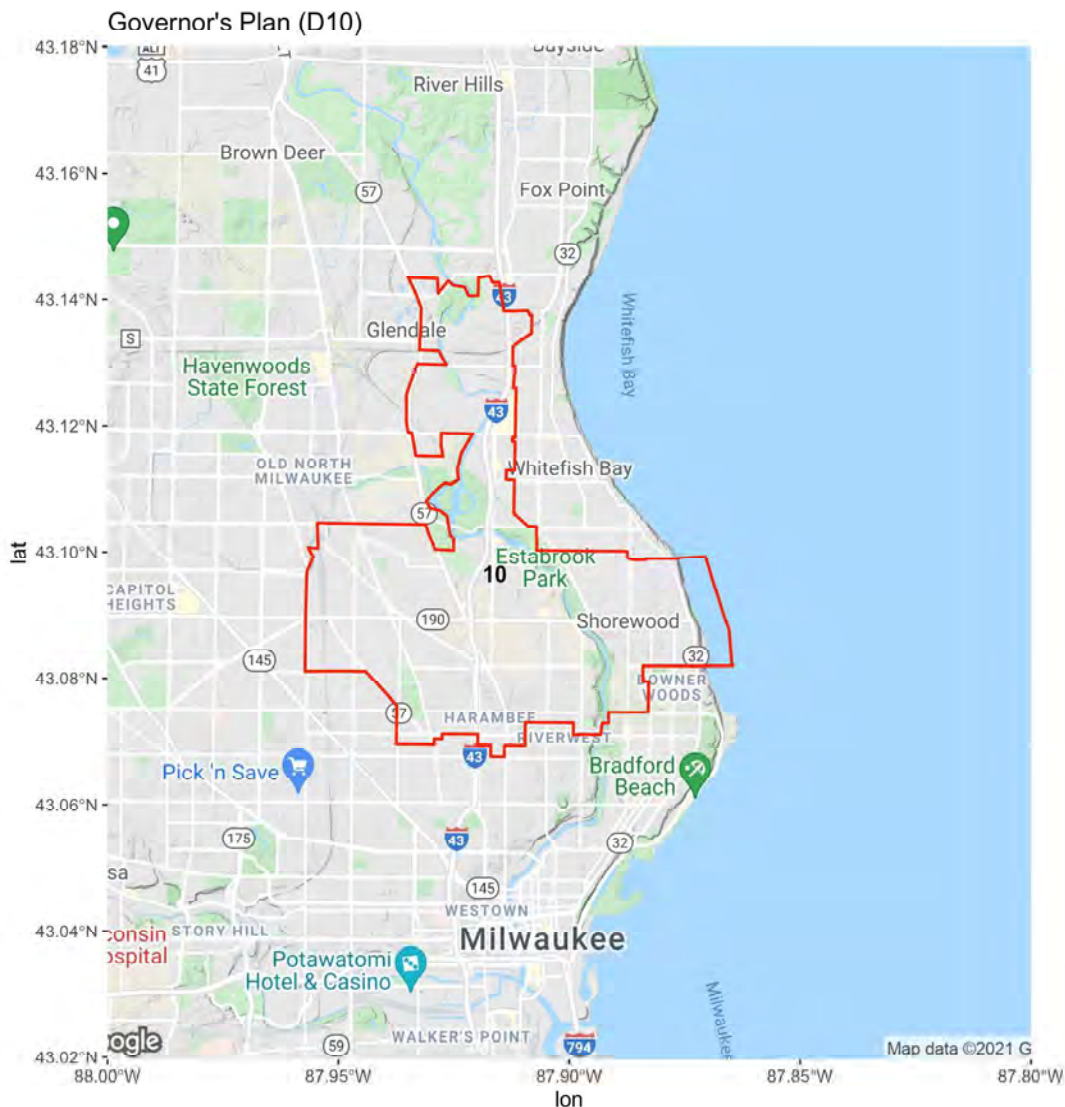
Performance Analysis of Other Parties' Plans

Below, I analyze the performance of the other parties' proposed Black opportunity districts. I focus my analysis only on those districts – e.g., District 10 in each of their plans – where it appears, either by the low BVAP percentage in the district or the inclusion of predominantly white Democratic municipalities, that the district may not perform for Black voters in Democratic primaries.

Governor's Plan

For the Governor's Plan, I examine electoral performance in District 10. The District 10 map is visually displayed in Figure 2.

Figure 2. Governor's Plan District 10.



The results for the gubernatorial contest is listed in 2. Relative to the BLOC Petitioners plan, District 10 of the Governor's Plan performs worse for Black voters' candidates of choice.

In the governor's contest, the Black candidate, Mitchell, receives 41.2% of the vote whereas Mitchell notched 46.3% in the BLOC Petitioners' D10.

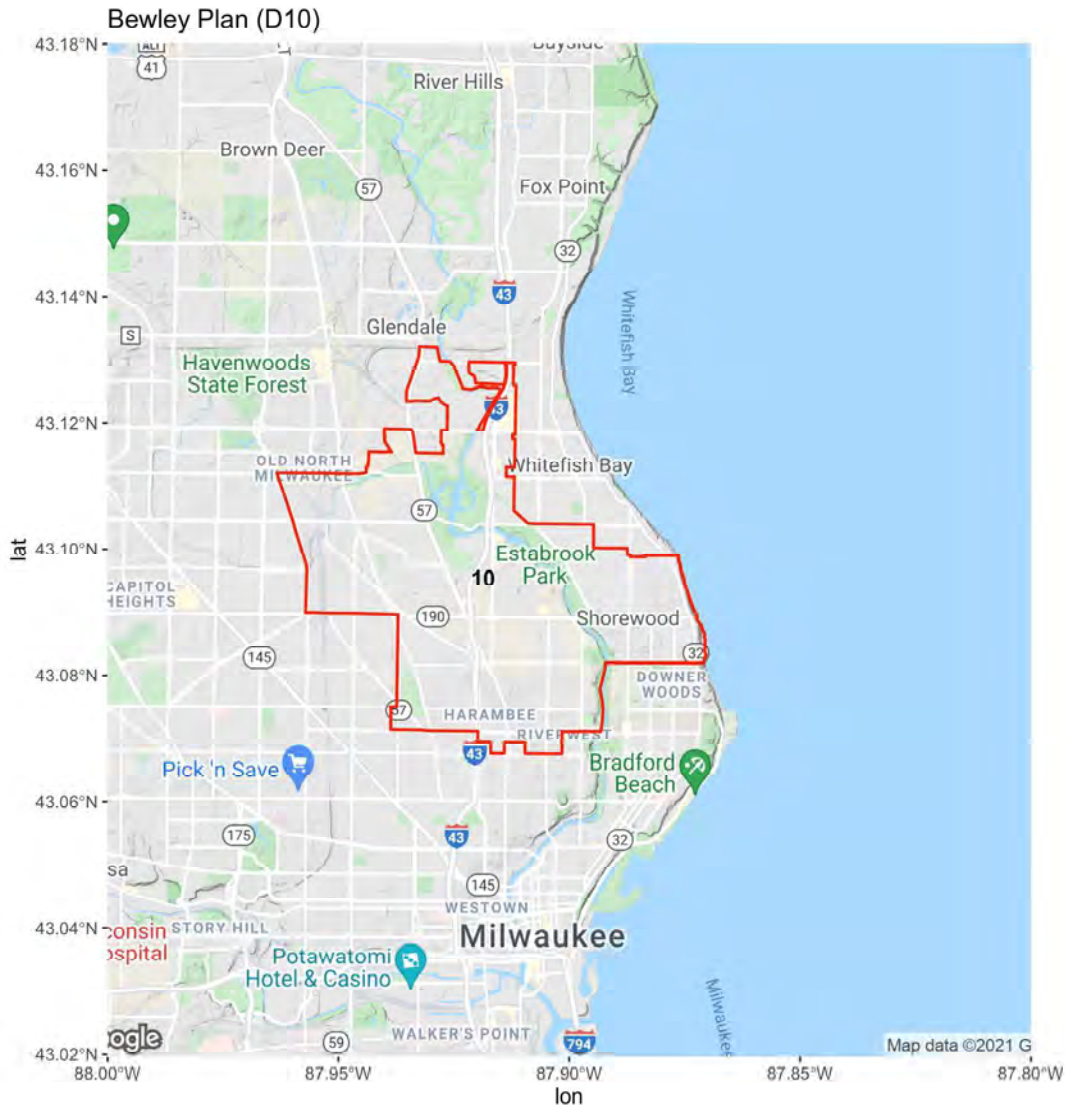
Table 2. Electoral performance analysis 2018 Democratic Gubernatorial Primary. Governor's Plan.

Candidate	Percent
B_Mitchell	41.2112
W_Evers	27.7087
W_Roys	13.5285
W_other	17.5515

Bewley Plan

For the Bewley Plan, I once again examine electoral performance in District 10 only. The district is visually displayed in Figure 3.

Figure 3. Bewley Plan District 10.



The performance results are listed below in 3. Relative to the BLOC Petitioners plan, District 10 of the Bewley Plan performs worse for Black voters' candidates of choice.

In the governor's contest, the Black candidate, Mitchell, receives 39.2% of the vote whereas Mitchell notched 46.3% in the BLOC Petitioners' D10.

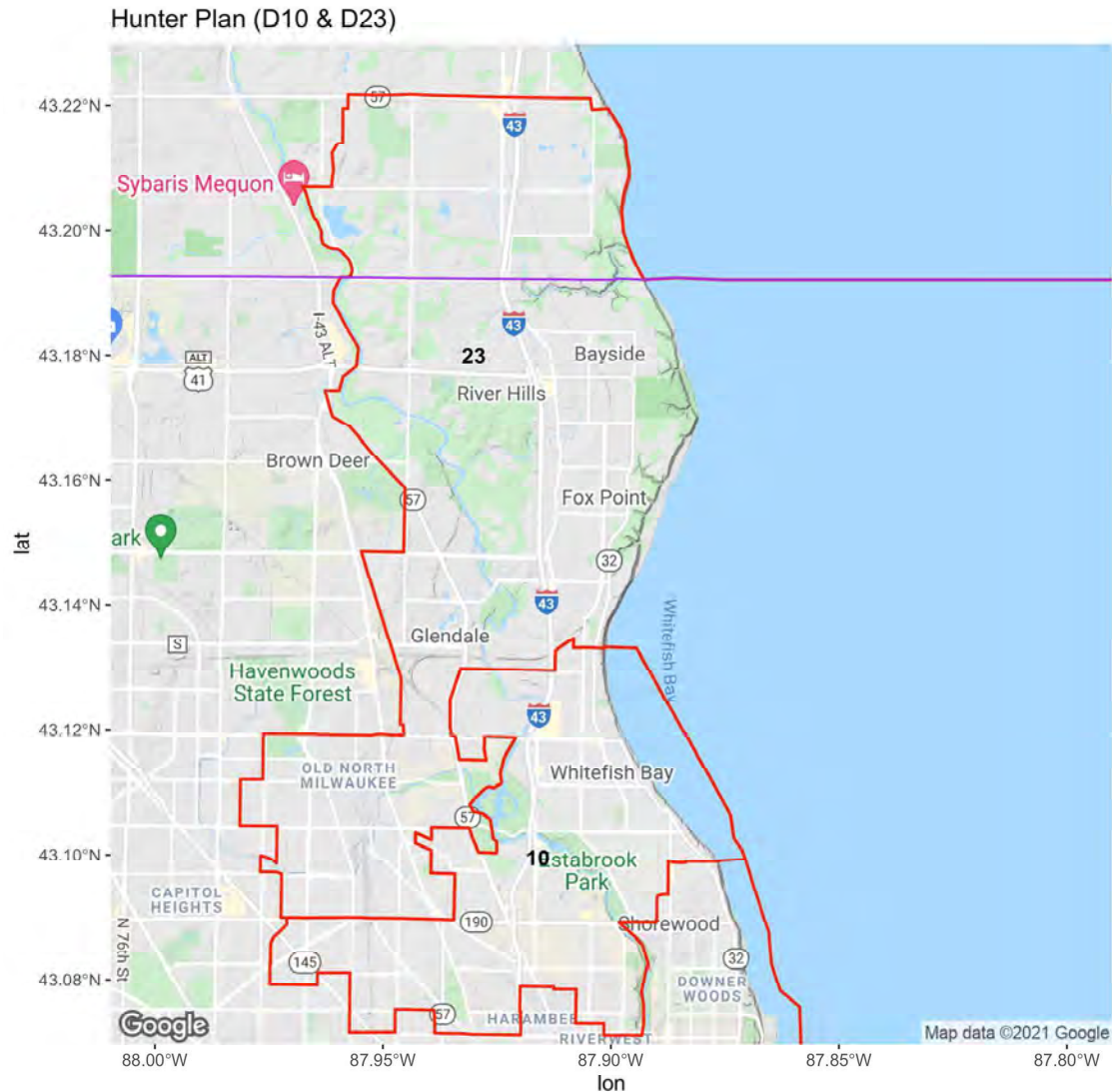
Table 3. Electoral performance analysis 2018 Democratic Gubernatorial Primary. Bewley Plan.

Candidate	Percent
B_Mitchell	0.392
W_Evers	0.243
W_Roys	0.126
W_other	0.239

Hunter Plan

For the Hunter Plan, I examine electoral performance in District 10 and 23 only. The districts are visually displayed in Figure 4.

Figure 4. Hunter Plan Districts 10 and 23.



The results for the 2018 Democratic Primary gubernatorial contest are listed below in Table 4. Relative to the BLOC Petitioners' plan, District 10 of the Hunter Plan performs worse for Black voters' candidates of choice. In the governor's contest, the Black candidate, Mitchell, receives 44.7% of the vote whereas Mitchell notched 46.3% in the BLOC Petitioners' D10. In Hunter's proposed District 23, Mitchell would receive 47.7% of the vote. By contrast, Mitchell receives a majority vote share in six of BLOC's districts, with his lowest vote share being 46.3%.

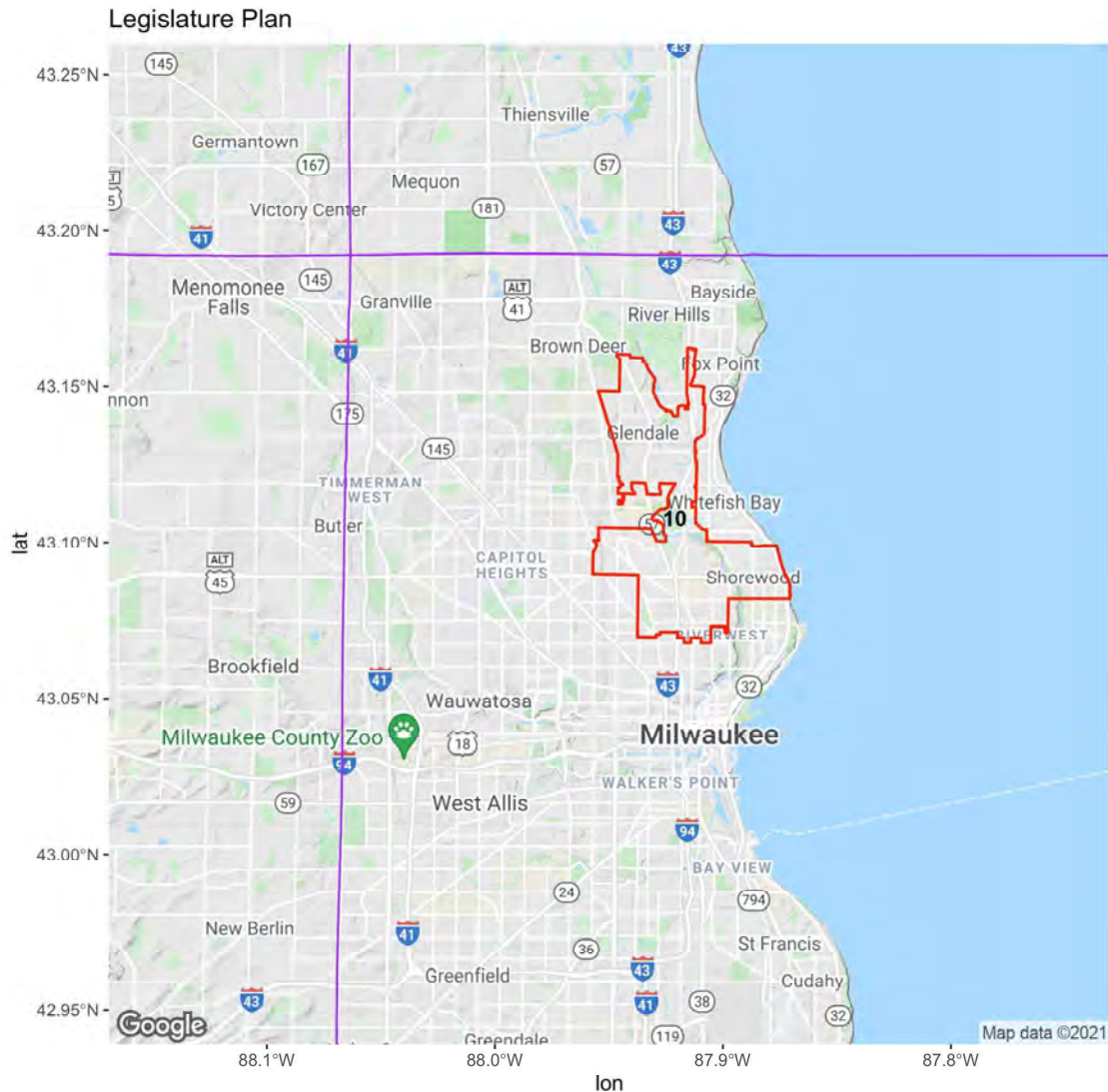
Table 4. Electoral performance analysis 2018 Democratic Gubernatorial Primary. Hunter Plan.

Candidate	D10	D23
B_Mitchell	44.6975	47.741
W_Evers	27.2081	26.8906
W_Roys	11.9654	9.1689
W_other	16.129	16.1996

Legislature Plan

For the Legislature Plan, I examine electoral performance in District 10. Figure 5 visually displays the districts.

Figure 5. Legislature Plan District 10.



The Legislature’s expert, Dr. Alford, conducted his own performance analysis of the Legislature’s plan, and reported the reconstituted election results for that plan. He reports that Mitchell received 42.2% in the Legislature’s proposed District 10. By contrast, he reports that Mitchell received 50.5% in the existing District 10, enacted in 2011. Dr. Alford’s analysis is erroneous, however: he excludes the votes received by candidates Gronik and Flynn, which has the effect of lowering the number of total votes he reports, and thus increasing Mitchell’s reported share of the vote beyond his actual share of the vote. Although he reports an “other column,” it reports only 3 votes, whereas Flynn received 708 votes in the Legislature’s proposed District 10 and Gronik received 89.¹

¹ This type of error is understandable, given the complexity of matching GIS files of districts to election results, and in some instances disaggregating election results where municipalities collapse ward returns.

I have recalculated the reconstituted election results for the Legislature’s proposed District 10 by comparing the wards it contains to the Milwaukee County election returns.² Mitchell’s correct vote share in the Legislature’s proposed District 10 is 39.3%, not 42.2%. Dr. Alford made this same error in his entire performance analysis for each of the Legislature’s proposed Black opportunity districts, but District 10 is the only in which the error is material.

Table 5. Electoral performance analysis 2018 Democratic Gubernatorial Primary. Legislature Plan.

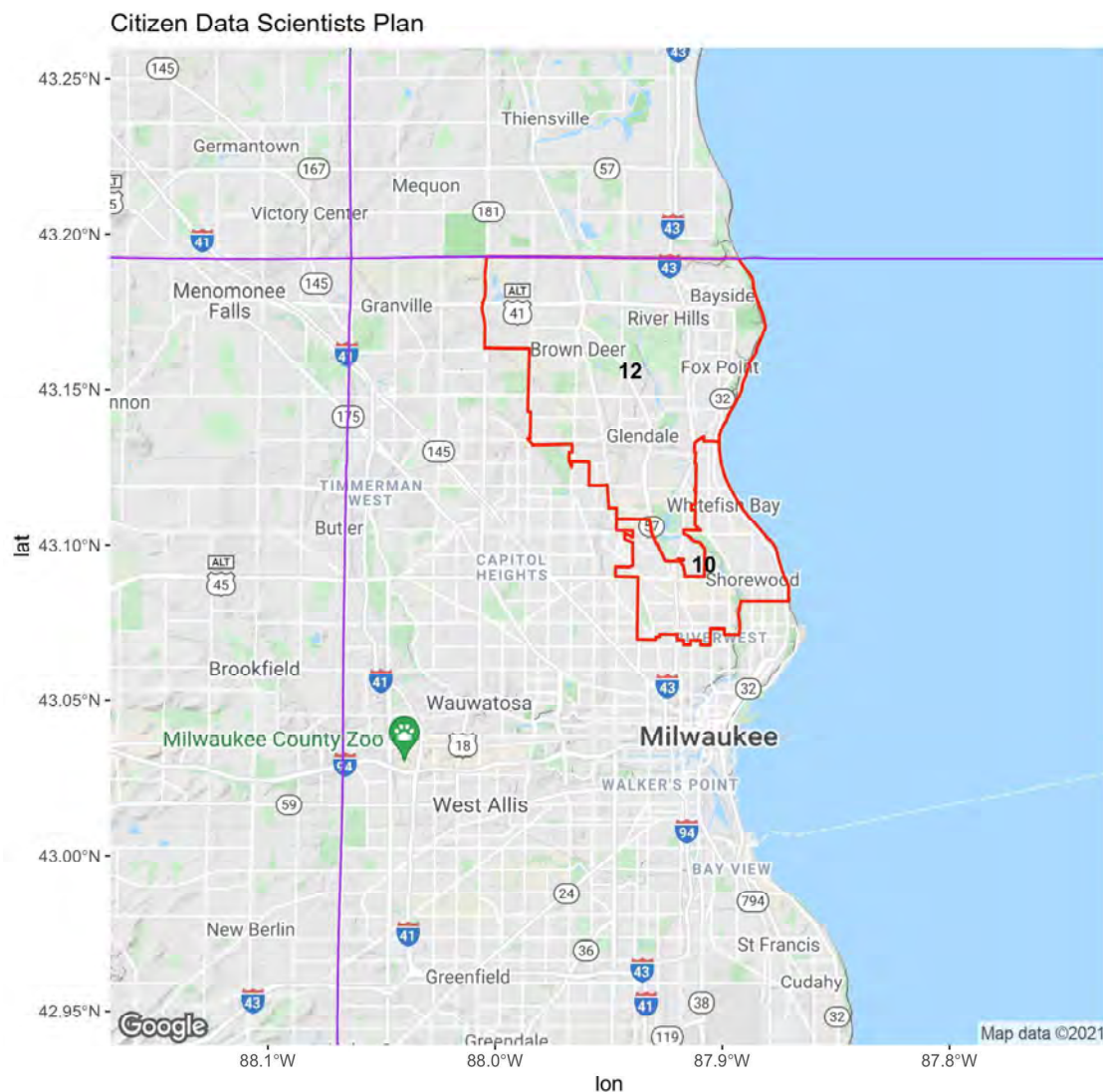
Candidate	Percent
B_Mitchell	39.3447
W_Evers	29.3011
W_Roys	13.3373
W_other	18.0169

Citizen Data Scientists Plan

For the Citizen Data Scientists Plan, I examine electoral performance in Districts 10 and 12 – the districts they identify as Black opportunity district but that have BVAP shares below 50% and/or include predominantly white Democratic communities that may jeopardize the ability of Black voters to nominate their candidate of choice in the Democratic primary. Figure 6 visually displays the districts.

² All of Glendale, all of Shorewood, and Milwaukee wards 58, 59, 60, 61, 62, 63, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 140, and 146.

Figure 6. Citizen Data Scientists Plan Districts 10 and 12.



In the Citizen Data Scientists' plan, District 10 has a BVAP of 41.4% (white VAP is 49.1%) and District 12 has BVAP of 36.3% (white VAP is 52.9%).

The district demographics speak directly to Black candidates' vote shares in the contests that I analyzed. In the Democratic primary contests, while Mitchell is the top candidate in each seat, he only narrowly achieves a plurality in Districts 10 (34.5%) and 12 (37.4%). By contrast, Mitchell receives a majority of the vote in six of BLOC's districts, and a near-majority in the remaining district.

Table 6. Electoral performance analysis 2018 Democratic Gubernatorial Primary. Citizen Data Scientists Plan.

Candidate	D10	D12
B_Mitchell	34.5297	37.4086
W_Evers	31.6891	31.2197
W_Roys	15.5894	11.9317
W_other	18.1919	19.44

Performance Analysis Conclusion

As I explained, the 2018 Democratic Gubernatorial Primary is most probative of what could be expected in a contested Democratic assembly primary featuring racially polarized voting. In BLOC's proposal, Mitchell received a majority of vote in a 10-candidate race in six districts (Districts 11, 12, 14, 16, 17, and 18) and 46.3% in the seventh (District 10). Because it is unlikely that Democratic primaries in these assembly districts would feature nine white candidates against one Black candidate, it is important to consider the likely result if the white vote were not so splintered, and if instead, for example, there were a two-candidate race between a candidate preferred by Black voters and a candidate preferred by white voters.

In BLOC's proposed District 10, Mitchell comes close to a majority in the 10-candidate field. Because there is a degree of white crossover voting in the primary (see my December 15th Report, the estimates range from between 6-23% white cross-over for Mitchell for an average of 16%), Mitchell would receive a share – albeit a minority share – of the votes that had been cast for candidates other than Evers and Mitchell. That share would be sufficient

to move him to a majority share in BLOC District 10 given his already strong 46.3% showing with all 10 candidates included.³

The same cannot be said for the other parties' proposed District 10. In those plans, Mitchell's vote share is generally in the low or upper 30s: Governor (41.2%), Legislature (39.3%), Bewley (39.2%), Hunter (44.7%), Citizen Data Scientists (34.5%). There is not enough white crossover voting in these district configurations for Mitchell to move from the low or upper 30s to a majority were the white vote not splintered among so many candidates.

By including communities like Shorewood, Whitefish Bay, Fox Point, and Bayside in their proposed Black opportunity districts, the other parties' District 10 (as well as Citizen Data Scientists' District 12 and Hunter District 23) would be unlikely to perform to allow Black voters to nominate their candidate of choice in a Democratic primary in the more expected circumstance: a race featuring fewer candidates and racially polarized voting.

Given this, unlike the BLOC plan, which includes seven districts in which Black voters have a realistic opportunity to elect their candidates of choice, the Governor's proposal has six, the Legislature's, Bewley's, Hunter's, and Citizen Data Scientists' each have only five.

Proportionality Assessment

The Legislature's expert, Dr. Alford, opines that six Black opportunity districts is the proportionate share of seats for Black voters.

Dr. Alford cites the ACS estimate of Black citizen voting age population ("CVAP"). ACS is a yearly survey of roughly 2.6% of households. One estimate they report is CVAP – we turn to CVAP because citizenship is not available on the Census questionnaire. But CVAP is only reported in their aggregated 5-year survey. The latest is the 2015-2019 5-Year Report, which has a midpoint of 2017. So ACS CVAP estimates have two major limitations: (1) they are an estimate based on sampling of roughly 2.6% of households and (2) they are by definition outdated especially relative to the most recent 2020 Census data.

As an initial matter, in assessing the eligible voter population, there are differences among different groups. There is a sizeable population of noncitizen Hispanic and Asian adults. For this group, CVAP is the best available metric of eligible voters because the Census does not account for citizenship in its enumeration of adult population (i.e., voting age population or VAP). For Black and white adults, the raw VAP count from the 2020 Census is likely the

³ To arrive at this conclusion I take the 29% of votes that were not cast for either Mitchell or Evers. I multiply this number by 0.16 (the average RPV estimate for white support for Mitchell). This number (4.7%) is added to Mitchell's existing vote resulting in 51%. I apply the same method to calculate Evers' would be estimate: 29% multiplied by 84% (the existing white average vote for white candidates according to my RPV analysis) results in 24.5%. This number is added to Evers' existing vote of 24.4% to arrive at 49%.

most accurate metric of the eligible voter population because the noncitizenship rate is so low among these groups. Thus, while there are some noncitizens among the VAP count, it is a more up-to-date estimate of the actual number of Black and white citizens adults than is the ACS survey, which is limited by its staleness and nature as a survey.

The ACS estimates a statewide Black CVAP of 6.1% and the Census counted a statewide Black VAP of 6.4%. This difference is suggestive that ACS is underestimating Black CVAP. Because the noncitizenship rate for Black adults is very low and is higher among Hispanic and Asian adults, logic dictates that the statewide proportion for Black CVAP must exceed the statewide proportion for Black VAP. Below is a table showing the Census count of VAP for each demographic group:

Table 7. Voting Age Population (VAP), Census 2020 estimates by racial demographic.

	VAP Count	VAP Percentage
White	3,774,226	81.8%
Hispanic	284,069	6.2%
Black	296,313	6.4%
Asian	146,640	3.2%

Comparing this to the 2015-2019 ACS estimate, it is immediately apparent that ACS's estimates overestimate the white adult population in Wisconsin and underestimate the Black adult population. For example, ACS estimates that they are roughly 7,000 more white adult citizens in Wisconsin than there are total white adults in Wisconsin. That is not possible.

Below, Table 8 shows the ACS VAP and CVAP estimates for each demographic group.

Table 8. American Community Survey (ACS) VAP and CVAP estimates, 2015-2019 5-year, by racial demographic.

	ACS CVAP Estimate	ACS CVAP Percentage
White	3,781,310	86.6%
Hispanic	172,917	4.0%
Black	266,101	6.1%
Asian	88,059	2.0%

We can also tell that the Black CVAP is underestimated. We know that there are 296,313 Black adults from the 2020 Census count. ACS estimated that the Black total CVAP was 266,101. If that were true, that would mean that fully 10% of Wisconsin's Black adults are noncitizens. But according to ACS, only 2.2% of Black adults in Wisconsin are noncitizens.

Given these errors, adjustments are required in order to accurately approximate the statewide proportion of eligible Wisconsin voters who are Black.

The ACS reports a 97.8% statewide Black citizenship rate, and a 96.8% total noncitizenship rate for all Wisconsin adults. Here again, this illustrates why the ACS estimates are demonstrably wrong. Given that the Black citizenship rate exceeds the statewide average citizenship rate, it is not possible for the Black share of CVAP to be lower than the Black share of VAP (which is 6.4%). If 97.8% of Black adults are citizens, and there are 296,313 Black adults, that yields 288,905 Black CVAP (about 22,000 more than the inaccurate ACS estimates suggested).

Given the 96.8% estimated statewide citizenship rate, and 4,612,300 adults, there are 4,464,706 total CVAP in Wisconsin. So, using this approach, the Black share of statewide CVAP would be 6.5%. Therefore, the proportionate share of seats is between 6 and 7.

Conclusion

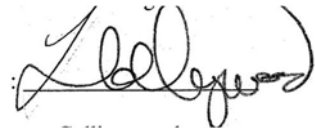
Based on my initial analysis and rebuttal analysis, I find that the BLOC Petitioners' plan is the only plan that realistically gives Black voters an opportunity to both nominate their candidate of choice in a Democratic primary – and to elect their candidate of choice in a general election – in each of their proposed Black opportunity assembly districts. Other party plans propose a district configuration that includes at least one district that is unlikely to perform for Black voters in a racially polarized, contested primary election between a Black and white candidate.

Furthermore, to prevent higher turnout white Democrats from blocking the ability of Black voters to nominate their candidate of choice in Democratic primaries, District 10 should be drawn to exclude the Village of Shorewood. The other parties' plans include some or all of these in their proposed Black opportunity districts.

Finally, the most up-to-date and accurate estimate of Black voters' proportionate share of Wisconsin's citizen voting age population is 6.5%. Therefore, the proportionate share of Black seats is between 6 and 7.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 30, 2021.

A handwritten signature in black ink, appearing to read "Loren Collingwood", written over a horizontal line.

Loren Collingwood

Errata Addendum to Dr. Collingwood's December 15, 2021, Report

My initial report included a performance analysis of the BLOC Petitioners' Assembly district plan for Districts 10, 11, 12, 14, 16, 17, and 18. The results are presented in Table 3 of that report, and listed below.

Table 1. Initial Table 3 BLOC Petitioners' Plan performance analysis.

Candidate	D10	D11	D12	D14	D16	D17	D18
B_Mitchell	0.479	0.547	0.557	0.517	0.524	0.511	0.515
W_Evers	0.236	0.232	0.241	0.242	0.228	0.235	0.229
W_Roys	0.121	0.066	0.057	0.087	0.097	0.122	0.101
W_other	0.164	0.154	0.144	0.154	0.152	0.132	0.154

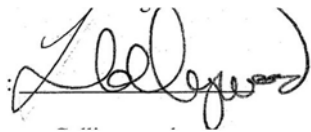
In writing my rebuttal report I discovered a few small errors to my performance estimates. Table 2 lists the corrected estimates. The slight changes do not change any substantive conclusions.

Table 2. Updated BLOC Petitioners' Plan performance analysis.

Candidate	D10	D11	D12	D14	D16	D17	D18
B_Mitchell	46.323	54.693	56.480	52.380	52.278	51.012	51.380
W_Evers	24.442	23.218	23.698	23.630	22.719	23.532	22.765
W_Roys	12.230	6.624	5.515	8.799	9.693	12.215	9.943
W_other	17.006	15.465	14.307	15.192	15.310	13.242	15.912

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 30, 2021.



Loren Collingwood

Rebuttal Report of Dr. Kenneth R. Mayer

Johnson, et al., v. WEC, et al., No. 2021AP1450-OA
December 30, 2021

In response to the reported municipal and county splits given by other parties to this litigation, I submit this rebuttal report, in which I show the methods used to calculate the number of municipal and county splits in the BLOC Petitioners' Least Change plan. The results show that the plan splits 53 counties and 77 municipalities into 2 or more districts in the Assembly plan. I also report some information regarding population shifts among districts in the BLOC assembly proposal and the Legislature's assembly proposal.

Mr. Bryan's conclusion that "the Legislature's SB 621 Assembly and Senate plans make minimum changes"¹ to Act 43 is misleading to extent it implies both that SB 621 makes no changes that are not required by population equality or other traditional principles, and that it is not possible to draw a plan that makes fewer changes. Any such claims are contradicted by decades worth of studies and experience that have demonstrated it is *always* possible to draw a plan that is better than any baseline on any single metric, and that tradeoffs are *always* necessary among redistricting principles that exist in tension with each other (population equality v. compactness, compactness vs. splits, Voting Rights Act compliance vs. core retention, etc.). It is important to note that claiming a map makes "minimum changes" is very different from arguing that a plan follows a least change *approach* in attempted to make small changes to an existing map, or showing how meeting some criteria (VRA compliance, for example) requires downstream changes in a map.

1. Method of calculating splits

After importing a Block Equivalency File into Maptitude for Redistricting (which shows the assignments of each Census Block into a district), I calculated splits using the "communities of interest" report function in Maptitude for Redistricting. This function can be applied to any geographic layer. I ran the report once for counties, and once for what Maptitude calls "county subdivisions," the equivalent of cities, villages and towns (what Census calls "Minor Civil Divisions," or MCDs). I confirmed the calculations with a visual inspection of the maps.

A split is defined as any geography that includes more than a single district, even if the population is too large to contain a single Assembly district (which requires the population to be split into more than 1 district).

There were a small number of "stray" Census Blocks that erroneously show a split, which I did not count as a split. I understand these will be assigned to the correct Assembly districts in a subsequent report.

¹Thomas M Bryan, *Expert Report of Thomas M. Bryan*, December 15, 2021, at 37.

2. Results - Assembly

Table 1 shows the results for county subdivisions. The Least Change plan splits 77 municipalities: 24 cities, 11 villages, and 42 towns.

Table 1 - MCD Splits			
County	C/T/V	MCD Name	Number of Districts
Waukesha	C	Brookfield	2
Racine	C	Burlington	2
Brown	C	De Pere	3
Walworth	C	Delavan	2
Eau Claire	C	Eau Claire	3
Dane	C	Fitchburg	2
Milwaukee	C	Franklin	3
Brown	C	Green Bay	4
Milwaukee	C	Greenfield	3
Rock	C	Janesville	2
Kenosha	C	Kenosha	3
Dane	C	Madison	8
Wood	C	Marshfield	2
Ozaukee	C	Mequon	2
Milwaukee	C	Milwaukee	14
Waukesha	C	New Berlin	2
Waukesha	C	Oconomowoc	3
Winnebago	C	Oshkosh	2
Racine	C	Racine	2
Sheboygan	C	Sheboygan Falls	2
Waukesha	C	Waukesha	3
Milwaukee	C	Wauwatosa	4
Milwaukee	C	West Allis	3
Outagamie	C	Appleton	4
La Crosse	T	Barre	2
Washington	T	Barton	2
Waukesha	T	Brookfield	2
Portage	T	Carson	2
Ozaukee	T	Cedarburg	3
Winnebago	T	Clayton	2
Jefferson	T	Concord	2
Waukesha	T	Eagle	2
Eau Claire	T	Eau Claire	2
Fond du Lac	T	Eden	2
Washington	T	Erin	2
Fond du Lac	T	Fond du Lac	2
Waukesha	T	Genesee	3
Ozaukee	T	Grafton	2
Outagamie	T	Grand Chute	2
Outagamie	T	Greenville	2

Washington	T	Jackson	2
Jefferson	T	Koshkonong	2
Manitowoc	T	Kossuth	2
Brown	T	Ledgeview	2
Waukesha	T	Lisbon	3
Dane	T	Madison	2
Manitowoc	T	Meeme	2
Fond du Lac	T	Metomen	2
Dane	T	Middleton	2
Waukesha	T	Mukwonago	2
Waukesha	T	Muskego	2
La Crosse	T	Onalaska	2
Winnebago	T	Oshkosh	2
Dane	T	Pleasant Springs	2
Winnebago	T	Poygan	2
Fond du Lac	T	Ripon	2
Dodge	T	Rubicon	2
La Crosse	T	Shelby	2
Kenosha	T	Somers	2
Washington	T	Trenton	2
Eau Claire	T	Washington	2
Waukesha	T	Waukesha	3
Marathon	T	Weston	2
Sheboygan	T	Wilson	2
Winnebago	T	Winneconne	2
Brown	T	Wrightstown	2
Brown	V	Bellevue	2
Walworth	V	Bloomfield	2
Winnebago	V	Fox Crossing	2
Brown	V	Howard	3
Outagamie	V	Little Chute	2
Dodge	V	Lomira	2
Waukesha	V	Menomonee Falls	3
Racine	V	Mount Pleasant	3
Kenosha	V	Pleasant Prairie	2
Washington	V	Richfield	2
Kenosha	V	Somers	2

Table 2 displays the results for counties, with 53 splits.

Table 2 - County Splits	
County	Number of Districts
Adams	3
Brown	8
Burnett	2
Calumet	5
Chippewa	3

Clark	3
Columbia	3
Dane	14
Dodge	6
Douglas	2
Dunn	4
Eau Claire	3
Fond du Lac	6
Forest	2
Green	3
Iowa	2
Jackson	3
Jefferson	5
Kenosha	4
La Crosse	3
Lafayette	2
Manitowoc	4
Marathon	5
Marinette	2
Marquette	2
Milwaukee	18
Monroe	3
Oconto	3
Oneida	2
Outagamie	7
Ozaukee	4
Pepin	2
Pierce	2
Polk	2
Portage	3
Racine	6
Richland	3
Rock	4
Sauk	4
Sawyer	2
Shawano	4
Sheboygan	4
St. Croix	5
Trempealeau	2
Vilas	2

Walworth	7
Washburn	2
Washington	6
Waukesha	14
Waupaca	2
Waushara	3
Winnebago	7
Wood	4

3. Results – Senate

Table 3 shows totals for county subdivisions in the Senate plan. The Least Change plan splits 19 cities, 24 towns, and 9 villages, for a total of 52 splits.

Table 3 - MCD Splits Senate			
County	C/T/V	MCD Name	Districts
Waukesha	C	Brookfield	2
Racine	C	Burlington	2
Brown	C	De Pere	2
Eau Claire	C	Eau Claire	2
Dane	C	Fitchburg	2
Milwaukee	C	Franklin	2
Brown	C	Green Bay	2
Milwaukee	C	Greenfield	3
Rock	C	Janesville	2
Dane	C	Madison	2
Wood	C	Marshfield	4
Ozaukee	C	Mequon	2
Milwaukee	C	Milwaukee	2
Waukesha	C	New Berlin	2
Waukesha	C	Oconomowoc	2
Racine	C	Racine	2
Fond du Lac	C	Ripon	2
Milwaukee	C	Wauwatosa	2
Milwaukee	C	West Allis	2
Waukesha	T	Brookfield	2
Ozaukee	T	Cedarburg	2
Jefferson	T	Concord	2
Waukesha	T	Eagle	3
Eau Claire	T	Eau Claire	2
Fond du Lac	T	Eden	2
Washington	T	Erin	2

Waukesha	T	Genesee	2
Ozaukee	T	Grafton	2
Jefferson	T	Koshkonong	2
Manitowoc	T	Kossuth	2
Brown	T	Ledgeview	2
Waukesha	T	Lisbon	2
Outagamie	T	Little Chute	2
Waukesha	T	Mukwonago	2
Dane	T	Pleasant Springs	2
Winnebago	T	Poygan	2
Kenosha	T	Rubicon	2
Dodge	T	Somers	2
Eau Claire	T	Washington	2
Waukesha	T	Waukesha	2
Sheboygan	T	Wilson	3
Winnebago	T	Winneconne	2
Brown	T	Wrightstown	2
Walworth	V	Bloomfield	2
Brown	V	Howard	3
Washington	V	Jackson	2
Dodge	V	Lomira	2
Waukesha	V	Menomonee Falls	2
Racine	V	Mount Pleasant	6
Kenosha	V	Pleasant Prairie	3
Washington	V	Richfield	2
Kenosha	V	Somers	2

Table 4 shows the results for county splits in the Senate plan, totaling 42 splits.

Table 4 - County Splits, Senate Plan	
County	Number of Districts
Adams	3
Brown	3
Burnett	2
Calumet	3
Chippewa	2
Clark	2
Columbia	3

Dane	6
Dodge	4
Dunn	4
Eau Claire	2
Fond du Lac	4
Green	3
Jackson	3
Jefferson	3
Kenosha	3
Manitowoc	2
Marathon	3
Marinette	2
Milwaukee	7
Monroe	3
Oconto	3
Outagamie	4
Ozaukee	3
Pierce	2
Polk	2
Racine	4
Rock	2
Sauk	2
Sawyer	2
Shawano	3
Sheboygan	2
St. Croix	3
Trempealeau	2
Vilas	2
Walworth	4
Washington	3
Waukesha	8
Waupaca	2
Waushara	2
Winnebago	3
Wood	3

4. Population Shifts

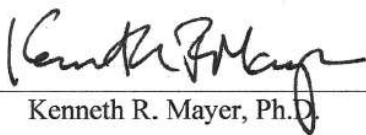
In my initial report, I included the core retention percentage for each district. For BLOC proposed District 56, it retained 95.66% of its core population, gaining 2,751 people from existing District 55. For BLOC proposed District 57, it retained 96.78% of its core population, gaining 1,926 people from existing District 56.

Core retention metrics by themselves can understate the degree of change in a plan when an incumbent is placed in a different district. For example, the Legislature's plan moves Rep. Vruwink from District 43 to District 33, where he retains just 30.6% of his prior district. The Legislature's plan also moves Rep. Horlacher from District 33 to District 83, where he retains just 38.6% of his prior district.

BLOC's plan pairs the following assembly incumbents who have not, to my knowledge, said whether they will run for reelection: District 39: Rep. Born and Rep. Dittrich; Dist. 60: Rep. Brooks and Rep. Katsma; Dist. 82: Rep. Wichgers and Rep. Skowronski. In two other districts, BLOC's plan pairs incumbents, but one of those incumbents has announced that they will not run for reelection: District 13: Rep. Rodriguez and Rep. Vining; District 31: Rep. Spreitzer & Rep. Loudenbeck. In the senate plan, BLOC's plan has pairs in District 8: Sen. Kooyenga and Sen. Darling and District 20: Sen. Stroebel and Sen. LeMahieu.

Finally, the Legislative plan and an additional plan offered by Senator Bewly continue to crack African American voters outside of the existing Black majority districts in Milwaukee County, primarily in Brown Deer. Act 43 placed Brown Deer in District 24, which extends into Washington County and has a district BVAP of 12.3%. In Sen. Bewley's plan Brown Deer is placed in District 24, which has a BVAP of 16.5%. SB 621 places Brown Deer in District 23, which has a BVAP of 10.3%.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 30, 2021.



Kenneth R. Mayer, Ph.D.

ASSEMBLY PLANS						
Party Name	No. of Black VRA Districts	Pop. Deviation	Compactness (Reock)	Core Retention	Incumbent Pairings	County & Municipal Splits
Johnson et al	N/A	N/A	N/A	N/A	N/A	N/A
BLOC et al.	7 Performing	1.32%	0.38	84.2%, 86.4% (w/o S2 districts), 87.95% (w/o S2 and adjacent districts)	3 districts with pairings (excluding pairings where one incumbent is not running for re-election)	53 county, 77 municipal
Sen. Min. Leader Bewley	5 Performing	1.86%	0.405	83.80%	8 districts with pairings	55 county, 79 municipal
Hunter	5 Performing	1.82%	0.44	73.20%	Not provided	50 county, 114 municipal
Gov. Evers	6 Performing	1.88%	0.397	85.79%	2 districts with pairings	53 county, 174 municipal
Legislature (SB621)	5 Performing	0.76%	0.39	84.20%	3 districts with pairings	53 county, 52 municipal
Citizen Data Scientists	5 Performing	0.74%	0.406	61.00%	Not provided	40 county, 70 municipal
Congressmen	N/A	N/A	N/A	N/A	N/A	N/A

SENATE PLANS						
Party Name	Pop. Deviation	Compactness (Reock)	Core Retention	Delayed Senate Vote	Incumbent Pairings	County & Municipal Splits
Johnson et al	N/A	N/A	N/A	N/A	N/A	N/A
BLOC et al.	0.96%	0.41	89.60%	179,629	2 districts with pairings	42 county, 53 municipal
Sen. Min. Leader Bewley	1.61%	0.401	90.50%	135,560	3 districts with pairings	48 county, 52 municipal
Gov. Evers	1.19%	0.392	92.17%%	139,677	1 district with pairings	45 county, 118 municipal
Hunter	0.95%	0.4	80.40%	240,723	Not provided	42 county, 79 municipal
Legislature (SB621)	0.57%	0.39	92.20%	138,732	0	42 county, 31 municipal
Citizen Data Scientists	0.50%	0.402	74.30%	422,492	Not provided	28 county, 31 municipal
Congressmen	N/A	N/A	N/A	N/A	N/A	N/A

Proposed Map Objective Measures¹

BLOC Petitioners

- **Black VRA Districts:** 7 Black opportunity districts that perform (Collingwood Rebut. at 15)
- **Population Deviation**
 - Assembly: 1.32% (Br. at 57; BLOC App. 124, Mayer Rpt. at 10)
 - Senate: 0.96% (Br. at 57; BLOC App. 136, Mayer Rpt. at 22)
- **Compactness**
 - Assembly: 0.38 Reock (Br. at 59; BLOC App. 134, Mayer Rpt. at 20)
 - Senate: 0.41 Reock (Br. at 60; BLOC App. 136, Mayer Rpt. at 22)
- **Core Retention**
 - Assembly: 84.2% (87.9% excluding VRA-affected districts) (Br. at 28, 58; BLOC App. 127, Mayer Rpt. at 13)
 - Senate: 89.6% (Br. at 28, 59; BLOC App. 136, Mayer Rpt. at 22)
- **Delayed Senate Voting:** 179,629 (52,482 due to VRA) (Br. at 60; BLOC App. 136, Mayer Rpt. at 22)
- **Incumbent Pairings:** 3 Assembly, 2 Senate (excluding pairs where one incumbent is not running for reelection) (Mayer Rebut. at 8)
- **County/Municipal Splits:**
 - Assembly: 53 county, 77 municipal (Mayer Rebut. at 4-6)
 - Senate: 42 county, 53 municipal (Mayer Rebut. at 4-6).

Senator Bewley

- **Black VRA Districts:** 5 Black opportunity districts that perform (Collingwood Rebut. at 15)
- **Population Deviation:**
 - Assembly: 1.86% (Br. at 8; Amos Rpt. at 2, 8)
 - Senate: 1.61% (Br. at 8; Amos Rpt. at 2, 8)
- **Compactness**
 - Assembly: 0.405 Reock (Br. at 11; Amos Rpt. at 3, 17-18)
 - Senate: 0.401 Reock (Br. at 11; Amos Rpt. at 3, 17-18)
- **Core Retention**
 - Assembly: 83.8% (Br. at 7; Amos Rpt. at 2, 6-7)
 - Senate: 90.5% (Br. at 7; Amos Rpt. at 2, 6-7)
- **Delayed Senate Voting:** 135,560 (Br. at 7; Amos Rpt. at 7)
- **Incumbent Pairing:** 8 Assembly, 3 Senate (Br. at 8; Amos Rpt. at 8)
- **County/Municipal Splits**
 - Assembly: 55 county, 79 municipal (Br. at 10; Amos Rpt. at 3, 16)
 - Senate: 48 county, 52 municipal (Br. at 10; Amos Rpt. at 3, 16)

¹ The BLOC Petitioners normalized the data for comparison purposes. For example, the Governor's maximum population deviations were calculated by adding the maximum and the minimum deviations. Likewise, the Governor's core retention score was calculated by subtracting the percentage of the population that is moved in the Governor's plan from 100.

Citizen Data Scientists

- **Black VRA Districts:** 5 Black opportunity districts that perform (Collingwood Rebut. at 15)
- **Population Deviation**
 - Assembly: 0.74% (Br. at 13-14; Duchin Rpt. at 18)
 - Senate: 0.50% (Br. at 13-14; Duchin Rpt. at 15)
- **Compactness**
 - Assembly: 0.406 Reock (Br. at 30; Duchin Rpt. at 19)
 - Senate: 0.402 Reock (Br. at 30; Duchin Rpt. at 16)
- **Core Retention**
 - Assembly: 61% (Br. at 8)
 - Senate: 74.3% (Br. at 8)
- **Delayed Senate Voting:** 422,492 (Br. at 36; Duchin Rpt. at 17)
- **Incumbent Pairings:** No information provided.
- **County/Municipal Splits**
 - Assembly: 40 county, 70 municipal (Br. at 22, 26; Duchin Rpt. at 18)
 - Senate: 28 county, 31 municipal (Br. at 22, 26; Duchin Rpt. at 15)

Governor Evers

- **Black VRA Districts:** 6 Black opportunity districts that perform (Collingwood Rebut. at 15)
- **Population Deviation:**
 - Assembly: 1.88% (Br. at 12; Clelland Rpt. at 2-3, 7-8)
 - Senate: 1.19% (Br. at 12; Clelland Rpt. at 2-3, 7-8)
- **Compactness**
 - Assembly: 0.397 Reock (Br. at 16; Clelland Rpt. at 5, 12)
 - Senate: 0.392 Reock (Br. at 16, Clelland Rep. at 5, 13)
- **Core Retention**
 - Assembly: 85.79% (Br. at 10; Clelland Rpt. at 2-3, 8)
 - Senate: 92.17% (Br. at 10; Clelland Rpt. at 2-3, 8)
- **Delayed Senate Voting:** 139,677 (Br. at 18; Clelland Rpt. at 3, 9)
- **Incumbent Pairings:** 2 Assembly, 1 Senate (Br. at 18-19)
- **County/Municipal Splits**
 - Assembly: 53 county, 174 municipal (Br. at 17, Clelland Rep. 6, 13-14)
 - Senate: 45 county, 118 municipal (Br. at 17, Clelland Rep. 6, 13-14)

Hunter Petitioners

- **Black VRA Districts:** 5 Black opportunity districts that perform (Collingwood Rebut. at 15)
- **Population Deviation**
 - 1.82% Assembly (Br. at 18; Ansolabehere Rpt. at 4)
 - 0.95% Senate (Br. at 23; Ansolabehere Rpt. at 4)
- **Compactness**
 - Assembly: 0.44 Reock (Br. at 19, Ansolabehere Rpt. at 5, 19, App.1)
 - Senate: 0.40 Reock (Ansolabehere Rpt. at 5, 22, App.1)
- **Core Retention**
 - Assembly: 73.2% (Br. at 18, Ansolabehere Rpt. at 3, 19, App. 1)
 - Senate: 80.4% (Br. at 22, Ansolabehere Rpt. at 4, App. 1)
- **Delayed Senate Voting:** 240,723 (Br. at 23, Ansolabehere Rpt. at 22)
- **Incumbent Pairings:** No information provided.
- **County/Municipal Splits**
 - Assembly: 50 county, 114 municipal (Br. at 20, Ansolabehere Rpt. at 4-5, 19, App. 1)
 - Senate: 42 county, 79 municipal (Br. at 24, Ansolabehere Rpt. at 4-5, App. 1)

Legislature

- **Black VRA Districts:** 5 Black opportunity districts that perform (Collingwood Rebut. at 15)
- **Population Deviation**
 - Assembly: 0.76% (Br. at 12; Bryan Rpt. at 6, 15)
 - Senate: 0.57% (Br. at 12; Bryan Rpt. at 6, 15)
- **Compactness**
 - Assembly: 0.39 Reock (Br. at 25, Bryan Rpt. at 33)
 - Senate: 0.39 Reock (Br. at 25, Bryan Rpt. at 33)
- **Core Retention**
 - Assembly: 84.2% (Br. at 16; Bryan Rpt. at 6, 23)
 - Senate: 92.2% (Br. at 16; Bryan Rpt. at 6, 22)
- **Delayed Senate Voting:** 138,732 (Br. at 27; Bryan Rpt. at 6, 29)
- **Incumbent Pairings:** 3 Assembly, 0 Senate (Br. at 29; Bryan Rpt. at 34); 2 Assembly incumbents moved to new districts (Mayer Rebut. at 7)
- **County/Municipal Splits**
 - Assembly: 53 county, 52 municipal (Br. at 31, Bryan Rep. at 18-19)
 - Senate: 42 county, 31 municipal (Br. at 31, Bryan Rep. at 18-19)



KeyCite Yellow Flag - Negative Treatment

Amended by [Baumgart v. Wendelberger](#), E.D.Wis., July 11, 2002

2002 WL 34127471

Only the Westlaw citation is currently available.

United States District Court,

E.D. Wisconsin.

James R. BAUMGART, Roger M. Breske, Brian T. Burke, Charles J. Chvala, Russell S. Decker, Jon Erpenbach, Gary R. George, Richard Grobschmidt, Dave Hansen, Robert Jauch, Mark Meyer, Rodney Moen, Gwendolynne S. Moore, Kimberly Plache, Fred A. Risser, Judy Robson, Kevin W. Shibilski, Robert D. Wirch, Spencer Black, James E. Kreuser, Gregory B. Huber, each individually and as members of the Wisconsin State Senate, Intervenor–Plaintiffs,

v.

Jeralyn WENDELBERGER, chairperson of the Wisconsin Elections Board, and each of its members in his or her official capacity, John P. Savage, David Halbrooks, R.J. Johnson, Brenda Lewison, Steven V. Ponto, John C. Schober, Christine Wiseman and Kevin J. Kennedy, its executive director, Defendants,

and

Scott R. JENSEN, in his capacity as the Speaker of the Wisconsin Assembly, and Mary E. Panzer, in her capacity as the Minority Leader of the Wisconsin Senate, Intervenor–Defendants.

Scott R. JENSEN, in his capacity as the Speaker of the Wisconsin Assembly, Mary E. Panzer, in her capacity as the Minority Leader of the Wisconsin Senate, Plaintiffs,

v.

Jeralyn WENDELBERGER, chairperson of the Wisconsin Elections Board, and each of its members in his or her official capacity, John P. Savage, David Halbrooks, R.J. Johnson, Brenda Lewison, Steven V. Ponto, John C. Schober, Christine Wiseman, Kevin J. Kennedy, its executive director, Defendants,

and

James R. BAUMGART, Roger M. Breske, Brian T. Burke, Charles J. Chvala, Russell S. Decker, Jon Erpenbach, Gary R. George, Richard Grobschmidt, Dave Hansen, Robert Jauch,

Mark Meyer, Rodney Moen, Gwendolynne S. Moore, Kimberly Plache, Fred A. Risser, Judy Robson, Kevin W. Shibilski, Robert D. Wirch, Spencer Black, James E. Kreuser, Gregory B. Huber, each individually and as members of the Wisconsin State Senate, Intervenor–Defendants.

No. 01–C–0121, 02–C–0366.

|

May 30, 2002.

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[James E. Bartzen](#), [Michael P. May](#), [Sarah A. Zylstra](#), Boardman Suhr Curry & Field, Madison, WI, [Randall L. Nash](#), O'Neil Cannon & Hollman, Milwaukee, WI, for Intervenor–Plaintiffs.

Before [EASTERBROOK](#), Circuit Judge, [STADTMUELLER](#), Chief District Judge, and [CLEVERT](#), District Judge.

AMENDED MEMORANDUM OPINION AND ORDER**PER CURIAM.**

*1 These consolidated actions challenge the constitutionality of the current apportionment of Wisconsin Assembly and Senate districts and seek declaratory, injunctive and other relief under the Constitution and laws of the United States, including the Fourteenth Amendment, the Fifteenth Amendment, § 2 of the Voting Rights Act of 1965, [42 U.S.C. § 1973](#) and [42 U.S.C. § 1983](#), as well as the laws and Constitution of the State of Wisconsin.¹ Both sets of plaintiffs ask the court to declare that the existing apportionment of the Wisconsin Senate and Assembly is unconstitutional and invalid. Moreover, they seek an order enjoining the eight members of the Wisconsin Elections Board from taking any actions related to elections under the existing apportionment plan, and an order redistricting the State of Wisconsin into 99 Assembly and 33 Senate Districts. As a consequence, the parties urge the court to adopt a reapportionment plan and maps that they have proffered

as a remedy for the malapportionment following the 2000 decennial census.

Chief Judge Joel M. Flaum of the Court of Appeals for the Seventh Circuit convened this panel and authorized it to hear both actions, pursuant to 28 U.S.C. § 2284, when the Wisconsin legislature failed to enact a plan of reapportionment. As a consequence, a trial on the merits was conducted on April 11 and April 12, 2002. For the reasons that follow, the court finds the existing Wisconsin Assembly and Senate districts violative of the “one person, one vote” standard articulated by  *Reynolds v. Sims*, 377 U.S. 533, 555, 84 S.Ct. 1362, 12 L.Ed.2d 506 (1964), and will implement a reapportionment plan to remedy the defects in those districts.

PROCEDURAL HISTORY

These actions were initiated with the filing of a complaint on February 1, 2001, by a group of Wisconsin voters naming the Wisconsin Elections Board and its members as defendants. Those voters alleged that Wisconsin's federal congressional districts violated the “one-person, one vote” principle articulated in art. I, sec. 2 of the United States Constitution.² Two groups of state legislators then filed motions to intervene. The first, the Baumgart intervenors, represent the Democratic members of the Wisconsin Senate, while the second, the Jensen intervenors, represent the Republican leaders of the State Senate and State Assembly. The motions to intervene were granted in November 2001. Subsequently, several other groups and individuals filed motions to intervene. The motions of Senators Gwendolynne Moore and Gary George were granted, and the motions of the African-American Coalition for Empowerment, Citizens for Competitive Elections, and Wisconsin Manufacturers and Commerce Association were denied. However, they were named *amicus curiae*.

*2 On April 12, 2002, to remedy a possible jurisdictional defect, the Jensen intervenors filed a separate complaint (the “Jensen action”) against the members of the Elections Board reasserting the state apportionment issues raised in the earlier case. The new filing, Case No. 02–C–0366, was assigned to Judge Clevert as a related case. Later that day, Chief Judge Flaum appointed Judges Easterbrook and Stadtmueller to the panel hearing the second case. The two cases were then




consolidated, and the Baumgart intervenors intervened in the second action (02–C–0366).


BACKGROUND


The United States Census Bureau released its final 2000 census data on March 8, 2001, showing that Wisconsin's total population is 5,463,675. Dividing this population into ninety-nine equipopulous state assembly districts and thirty-three equipopulous senate districts would yield Assembly districts containing 54,179 persons and state senate districts containing 162,536 persons. However, populations in the existing state Senate and Assembly districts vary substantially from these numbers. For example, Senate District 6 deviates more than 22 percent from the perfect senate district numeric population, and Assembly District 18 deviates more than 26 percent from the perfect assembly district numeric population. All parties agree that as drawn, Wisconsin Senate and Assembly districts are unconstitutional.





DISCUSSION

The reapportionment of state legislative districts requires the balancing of several disparate goals. These are summarized below.


“The Equal Protection Clause requires that the seats in both houses of a bicameral state legislature must be apportioned on a population basis. Simply stated, an individual's right to vote for state legislators is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with votes of citizens living in other parts of the State.”  *Reynolds v. Sims*, 377 U.S. 533, 568, 84 S.Ct. 1362, 12 L.Ed.2d 506 (1964). With respect to reapportionment, population equality is the “most elemental requirement of the Equal Protection Clause.”  *Connor v. Fitch*, 431 U.S. 407, 409, 97 S.Ct. 1828, 52 L.Ed.2d 465 (1977). See also  *Chapman v. Meier*, 420 U.S. 1, 22, 95 S.Ct. 751, 42 L.Ed.2d 766 (1975). However, the Supreme Court has not pronounced a threshold for a constitutionally acceptable level of deviation from absolute population equality. The three-judge panel that redistricted the State of Wisconsin in 1982 stated that population deviations should be of the “*de minimis*” variety, which it defined as below 2 percent. *AFL–CIO v. Elections Bd.*, 543 F.Supp. 630, 634 (E.D.Wis.1982).³


The 1992 reapportionment panel noted that because the 1990 decennial census contained errors and was out of date by the time of trial, the court not need fall for the “fallacy of delusive exactness” in fashioning a plan, and that “below one percent [deviation in voting power] there are no legally or politically relevant degrees of perfection.”  *Prosser v. Elections Bd.*, 793 F.Supp. 859, 865–66 (W.D.Wis.1992).⁴

*3 Although population equality is the primary goal while constructing legislative districts, it is not the only one. In the context of Congressional redistricting plans, the Supreme Court has observed that “court-ordered districts are held to higher standards of population equality than legislative ones,” but that “slight deviations are allowed” if supported by “historically significant state policy or unique features.”  *Abrams v. Johnson*, 521 U.S. 74, 98, 117 S.Ct. 1925, 138 L.Ed.2d 285 (1997) (internal citations omitted).

Historically, federal courts have accepted some deviation from perfect population equality to comply with “traditional” redistricting criteria. These criteria include retaining previous occupants in new legislative districts, known as “core retention,” see  *Karcher*, 462 U.S. 725, 740, 103 S.Ct. 2653, 77 L.Ed.2d 133 (1983); avoiding split municipalities, see *id.*; drawing districts that are as contiguous and compact as possible, see *id.*; respecting the requirements of the Voting Rights Act,  42 U.S.C. § 1973; maintaining traditional communities of interest, see *AFL–CIO*, 543 F.Supp. at 636; and avoiding the creation of partisan advantage, see  *Prosser*, 793 F.Supp. at 867 (noting that “[j]udges should not select a plan that seeks partisan advantage”). Avoiding unnecessary pairing of incumbents, a criterion discussed by the Supreme Court in  *Karcher*, 462 U.S. at 740, was expressly rejected by the 1982 Wisconsin reapportionment panel, see *AFL–CIO*, 543 F.Supp. at 638 (stating that the panel did not consider incumbent residency in drafting its plan).

Courts in Wisconsin have accepted some deviation from perfect population equality in view of two special considerations. The first involves senate elections. In Wisconsin, state senators have four year terms. State senators from even-numbered districts run for office in years corresponding to the presidential election cycle, and state senators from odd-numbered districts are elected during midterm elections. Thus, in midterm legislative election years such as 2002, if voters are shifted from odd to even

senate districts, they will face a two-year delay in voting for state senators. Delays of this nature are referred to as “disenfranchisement.” See  *Prosser*, 793 F.Supp. at 866.

The second consideration is the avoidance of ward boundary splits and, where possible, municipal boundary splits. Article IV, section 4 of the Wisconsin Constitution provides that assembly districts are “to be bounded by county, precinct, town or ward lines, to consist of contiguous territory and be in as compact form as practicable.” At one time this language was interpreted as prohibiting the creation of Assembly districts that crossed county lines. Indeed, in 1964 the Wisconsin Supreme Court declined to divide any counties when reapportioning the state, thereby creating a maximum population deviation of 76.2%. See *Wisconsin ex rel. Reynolds v. Zimmerman*, 23 Wis.2d 606, 623 (1964). Although avoiding the division of counties is no longer an inviolable principle, respect for the prerogatives of the Wisconsin Constitution dictate that wards and municipalities be kept whole where possible. This is in accord with the decisions of two earlier Wisconsin three judge panels. The 1982 and 1992 reapportionment panels did not divide any wards in their respective reapportionment plans, and the 1992 panel rejected a proposed plan that achieved 0% population deviation by splitting wards. See  *Prosser*, 793 F.Supp. at 866.

*4 With these considerations in mind, we turn to the plans submitted in these cases. A total of sixteen plans were submitted to the court. The Jensen intervenors filed nine plans (variations on a theme with different standards of population equality), the Baumgart intervenors three, while Senator George, the African American Coalition for Empowerment, Citizens for Competitive Elections, and Wisconsin Manufacturers and Commerce each filed one. Of the multiple plans submitted by the Jensen and Baumgart intervenors, the court considered only two for each group, JP1 Alternate A (Alt A) and JP1 Alternate C (Alt C) for the Jensen intervenors, and Leg Dem B and Leg Dem C for the Baumgart intervenors.

The two Jensen intervenor plans—Alt A and Alt C—have the lowest levels of population deviation of any of the filed plans, with maximum deviations of .97 and 1.00%, respectively. Moreover, they have the highest levels of core retention, lowest levels of disenfranchisement, and highest levels of compactness of any of the plans submitted.

On the other hand, the partisan origins of the Jensen plans are evident. First, they pair a substantial number of Democratic incumbents, while several Republican incumbent pairs are pairs in name only, with one of each retiring or running for another office. Second, it appears that the Jensen Assembly plans are designed to move a number of incumbent Democrats into strongly Republican districts and either pack Democrats into as few districts as possible or divide them among strong Republican districts. On the Senate side, the Jensen plans include questionable splits on the county level in districts with Democrat incumbents, and appear to have been designed to ensure Republican control of the Senate.


The Baumgart plans are riddled with their own partisan marks. Leg Dem B and Leg Dem C divide the City of Madison into six districts radiating out from the Capitol in pizza slice fashion. The Leg Dem plans have higher levels of population deviation, lower levels of core retention, higher levels of disenfranchisement, and lower levels of compactness than the Alt A and Alt C plans, in part because they renumber the Senate districts in Milwaukee County (again for presumed partisan advantage).

Senator George's plan is identical to Leg Dem C in all but the southeastern corner of the state. His plan contains a substantial level of absolute population deviation (2.67% in his amended plan), and disenfranchises more voters than any of the above plans, also due to renumbering districts in Milwaukee County.

At trial, the parties pursued two issues vigorously: what effect, if any, does § 2 of the Voting Rights Act have on creation of legislative districts in Milwaukee, and how the court should determine the relative partisan fairness of the reapportionment plans filed in this case (with each side claiming that their plan struck the proper balance of partisan fairness).

The Voting Rights Act issues are the result of demographic changes that occurred in Milwaukee County since redistricting in 1992. The 1992 redistricting panel created five African-American majority-minority districts and one African-American minority influence district, along with one Latino majority-minority district. Over the subsequent decade, demographic trends resulted in the African-American influence district becoming a majority-minority district. Those same demographic trends resulted in at least one district having a greater than 80% African-American population.

*5 Under the Supreme Court's ruling in  *Thornburg v. Gingles*, 478 U.S. 30, 106 S.Ct. 2752, 92 L.Ed.2d 25 (1986),

extended to single-member districts in  *Grove v. Emison*, 507 U.S. 25, 40–41, 113 S.Ct. 1075, 122 L.Ed.2d 388 (1993), three things must be present to warrant the consideration of race as the primary basis for drawing districts: first, the minority group must be “sufficiently large and geographically compact to constitute a majority in a single-member district”; second, the minority group must be “politically cohesive”; and third, the majority must “vote[] sufficiently as a bloc to enable it ... to defeat the minority's preferred candidate.”

 478 U.S. at 50–51.


The parties agree that the African-American community in the City of Milwaukee is large enough and compact enough to constitute a majority in several districts, and the parties share the view that African-Americans generally vote for Democrats. However, they disagree as to whether block voting occurs in the City of Milwaukee, and if so, what remedy should be applied.

The Jensen and Baumgart intervenors argued mutually contradictory positions with respect to whether § 2 of the Voting Rights Act should be considered in this case. The Jensen intervenors alleged that there was no evidence of block voting by whites in the City of Milwaukee, which, if correct would negate any justification under *Grove* for reliance upon race in constructing voting districts. However, the Jensen intervenors' expert, Bernard Grofman, testified by affidavit that the only way to respect communities of interest in Milwaukee is to draw district lines that create six African-American majority-minority districts, and avoid “packing” African-American votes. Indeed, the Jensen plans appear to have relied upon race as the basis for creating districts in the City of Milwaukee: a simple inspection of the Jensen plans of Milwaukee and the plans showing Milwaukee's minority population leads to the conclusion that the Jensen plans were crafted to chop the areas of Milwaukee with the highest African American populations and to balance those areas with areas of greater white population from outer sections of the City of Milwaukee.


In contrast, the Baumgart intervenors presented expert testimony that all of the *Gingles* criteria were present in Wisconsin in general and the City of Milwaukee in particular, but that the Jensen plans divided the African-American population too thinly and would result in the inability of African-Americans to elect candidates of choice. The

Baumgart intervenors' expert noted that a minority district requires an African-American voting age population of at least 60% to guarantee the election of candidates of choice, and that only their plans satisfied this criterion. Somewhat counterintuitively, the Baumgart intervenors' expert asserted that the court must reject the Jensen plans for failure initially to satisfy the *Gingles* factors (even though he urged the court to find that the Baumgart plans are consistent with *Gingles*).

*6 At the final hearing the parties debated the relative partisan impact of their plans. The Jensen intervenors contended that their plans were fair, using a “base-race” analysis, and resulted in “competitive” districts. The Baumgart intervenors in turn submitted that the Jensen plans were flawed because they packed the Democrats into a lesser number of districts and that the Jensen plans give the Republicans a five-seat majority in an even election.

Analysis reveals that the “base-race” method used by the Jensen intervenors is only as reliable as the elections chosen, and may be biased if special factors are present in the base-races used for the estimate. See  *Prosser*, 793 F.Supp. at 868 (noting that the ground for using base-races was destroyed on cross examination, as the races chosen “were riven by special factors”). The three base-races relied upon by Jensen's expert were saturated with special factors: the 1998 gubernatorial election, paired three-time incumbent Tommy Thompson (possibly the most popular governor in Wisconsin's history) against political newcomer Ed Garvey; the 1996 secretary of state election, paired Doug LaFollette (a distant relative of Progressive icon “Fighting Bob” La Follette and former Governor Phillip La Follette) against Linda Cross; and the 2000 presidential election, perhaps the closest in this state's history. Moreover, the base-race analysis was determined merely by averaging the vote percentages for each candidate in all of the districts without considering differences in population between the districts, thus biasing the analysis in favor of underpopulated districts.

The Baumgart intervenors' method for analyzing political fairness was more sophisticated than the base-race method and is correct in the results found, namely, that even if the Democrats win a bare majority of votes, they will take less than 50% of the total number of seats in the Assembly. The problem with using this finding as the basis for a plan is that it does not take into account the difference between popular and legislative majorities, and the fact that, practically, there is no way to draw plans which use the traditional criteria and completely avoid this result. Theoretically, it would be

possible to draw lines for Assembly districts that would assure that the party with the popular majority holds every seat in the Assembly. See  *Prosser*, 793 F.Supp. at 864. However, Wisconsin Democrats tend to be found in high concentrations in certain areas of the state, and the only way to assure that the number of seats in the Assembly corresponds roughly to the percentage of votes cast would be at-large election of the entire Assembly, which neither side has advocated and would likely violate the Voting Rights Act.

Having found various unredeemable flaws in the various plans submitted by the parties, the court was forced to draft one of its own. As was done in 1992, a draft version of the plan was submitted to the parties for comment and analysis. The parties were allowed five days to analyze the draft and to comment to the court.

*7 The court undertook its redistricting endeavor in the most neutral way it could conceive—by taking the 1992 reapportionment plan as a template and adjusting it for population deviations. The process began with district adjustments in the southeastern corner of the state. That area was chosen for two reasons. First, Milwaukee County has experienced the state's greatest population loss over the past decade, while the region immediately to its west has experienced the greatest population growth. Thus, the greatest population deviation in the state lies within this area. Second, the parties devoted much of their trial time to discussing how their plans would affect Milwaukee County.⁵

When making the necessary changes to the boundaries of the existing districts, the court was guided by the neutral principles of maintaining municipal boundaries and uniting communities of interest. There was also an attempt to keep population deviation between districts as low as possible while respecting these principles.

As part of its efforts, the court had to decide whether to renumber the assembly districts in southeastern Wisconsin to accommodate the migration of one entire district out of Milwaukee County. And there was an attempt to create physically compact senate districts and maintain communities of interest when making this decision.

Obviously, the process involved some subjective choices. For example, the court had to decide *which* communities to exclude from overpopulated districts and to include in underpopulated districts. Where possible, the court relied on affidavits supplied by the parties describing the natural

communities of interest to direct these subjective choices. (Senator George's submissions provided particular guidance within Milwaukee County in this regard.)

Adherence to these criteria resulted in a plan containing five African–American majority assembly districts, one Latino majority assembly district, and one African–American “influence” assembly district. The racial and cultural minority populations in these districts appear sufficient to permit African–Americans and Latinos to elect candidates of choice. Hence, it was unnecessary to decide whether racially polarized voting occurs in southeastern Wisconsin (thereby necessitating the conscious creation of majority-minority districts pursuant to the Voting Rights Act).

The court's plan embodies a maximum population deviation of 1.48%, which is lower than the population deviation of the best of the Baumgart intervenors' plans and slightly higher than the population deviations of the Jensen intervenors' plans, and within the de minimis 2% threshold set by the *AFL–CIO* court. Presumably, because of the methodology used, the court's plan meets or exceeds the submissions of the parties and amici with respect to most traditional apportionment criteria. The average level of core retention is 76.7%, versus 73.9% for the Jensen plans and 74% for the Baumgart plans. The court plan splits 50 municipalities, as compared to 51 for the Jensen plans and 78 for the Baumgart plans. The number of voters disenfranchised with respect to Senate elections is 171,613, versus 206,428 for the Jensen plans and 303,606 for the Baumgart plans. District compactness levels are also higher than those for the Jensen and Baumgart plans, using the smallest circle and perimeter to area measures.⁶ Finally, the court plan respects traditional communities of interest in the City of Milwaukee.

*8 Now, therefore,

IT IS ORDERED that the Wisconsin State legislative districts described in Chapter 4 of the Wisconsin Statutes (1999–2000) are declared unconstitutional.

IT IS FURTHER ORDERED that all elections to be held in the Wisconsin State legislative districts as described in Chapter 4 of the Wisconsin Statutes (1999–2000) are enjoined.

IT IS FURTHER ORDERED that the 99 Wisconsin State assembly districts described below are organized into 33 senate districts as follows:

I. SENATE DISTRICTS

First senate district: The combination of the 1st, 2nd and 3rd assembly districts.

Second senate district: The combination of the 4th, 5th, and 6th assembly districts.

Third senate district: The combination of the 7th, 8th, and 9th assembly districts.

Fourth senate district: The combination of the 10th, 11th, and 12th assembly districts.

Fifth senate district: The combination of the 13th, 14th, and 15th assembly districts.

Sixth senate district: The combination of the 16th, 17th, and 18th assembly districts.

Seventh senate district: The combination of the 19th, 20th, and 21st assembly districts.

Eighth senate district: The combination of the 22nd, 23rd, and 24th assembly districts.

Ninth senate district: The combination of the 25th, 26th, and 27th assembly districts.

Tenth senate district: The combination of the 28th, 29th, and 30th assembly districts.

Eleventh senate district: The combination of the 31st, 32nd, and 33rd assembly districts.

Twelfth senate district: The combination of the 34th, 35th, and 36th assembly districts.

Thirteenth senate district: The combination of the 37th, 38th, and 39th assembly districts.

Fourteenth senate district: The combination of the 40th, 41st, and 42nd assembly districts.

Fifteenth senate district: The combination of the 43rd, 44th, and 45th assembly districts.

Sixteenth senate district: The combination of the 46th, 47th, and 48th assembly districts.

Seventeenth senate district: The combination of the 49th, 50th, and 51st assembly districts.

Eighteenth senate district: The combination of the 52nd, 53rd, and 54th assembly districts.

Nineteenth senate district: The combination of the 55th, 56th, and 57th assembly districts.

Twentieth senate district: The combination of the 58th, 59th, and 60th assembly districts.

Twenty-First senate district: The combination of the 61st, 62nd, and 63rd assembly districts.

Twenty-Second senate district: The combination of the 64th, 65th, and 66th assembly districts.

Twenty-Third senate district: The combination of the 67th, 68th, and 69th assembly districts.

Twenty-Fourth senate district: The combination of the 70th, 71st, and 72nd assembly districts.

Twenty-Fifth senate district: The combination of the 73rd, 74th, and 75th assembly districts.

Twenty-Sixth senate district: The combination of the 76th, 77th, and 78th assembly districts.

Twenty-Seventh senate district: The combination of the 79th, 80th, and 81st assembly districts.

*9 Twenty-Eighth senate district: The combination of the 82nd, 83rd, and 84th assembly districts.

Twenty-Ninth senate district: The combination of the 85th, 86th, and 87th assembly districts.

Thirtieth senate district: The combination of the 88th, 89th, and 90th assembly districts.

Thirty-First senate district: The combination of the 91st, 92nd, and 93rd assembly districts.

Thirty-Second senate district: The combination of the 94th, 95th, and 96th assembly districts.

Thirty-Third senate district: The combination of the 97th, 98th, and 99th assembly districts.

II. ASSEMBLY DISTRICTS

First assembly district. All of the following territory constitutes the first assembly district:

- (1) Whole county. Door County.
- (2) Brown County. That part of Brown County consisting of the towns of Green Bay, Humboldt, and Scott.
- (3) Kewaunee County. That part of Kewaunee County consisting of all of the following:
 - (a) The towns of Ahnapee, Carlton, Casco, Lincoln, Luxemburg, Montpelier, Pierce, Red River, and West Kewaunee.
 - (b) The villages of Casco and Luxemburg.
 - (c) The cities of Algoma and Kewaunee.

Second assembly district. All of the following territory constitutes the 2nd assembly district:

- (1) Brown County. That part of Brown County consisting of all of the following:
 - (a) The towns of Bellevue, Eaton, Glenmore, Ledgeview, New Denmark, Rockland, and Wrights town.
 - (b) The villages of Denmark and Wrights town.
- (2) Kewaunee County. That part of Kewaunee County consisting of the town of Franklin.
- (3) Manitowoc County. That part of Manitowoc County consisting of all of the following:
 - (a) The towns of Cooperstown, Franklin, Gibson, Kossuth, Maple Grove, Mishicot, Two Creeks, and Two Rivers.
 - (b) The villages of Francis Creek, Kellnersville, Maribel, and Mishicot.
 - (c) The city of Two Rivers.

Third assembly district. All of the following territory constitutes the 3rd assembly district:

- (1) Brown County. That part of Brown County consisting of the towns of Holland and Morrison.
- (2) Calumet County. That part of Calumet County consisting of all of the following:
 - (a) The towns of Brillion, Chilton, Harrison, Stockbridge, and Woodville.
 - (b) The villages of Sherwood and Stock bridge.
 - (c) The cities of Brillion and Chilton.
 - (d) That part of the city of Appleton located in the county.
 - (e) That part of the city of Menasha located in the county.
- (3) Outagamie County. That part of Outagamie County consisting of all of the following:
 - (a) The town of Buchanan.
 - (b) The villages of Combined Locks and Kimberly.
 - (c) That part of the village of Little Chute comprising wards 5, 6, 7, and 11.
 - (4) Winnebago County. That part of Winnebago County consisting of that part of the city of Appleton comprising wards 41 and 49.

Fourth assembly district. All of the following territory in Brown County constitutes the 4th assembly district:

- *10** (1) The village of Allouez.
- (2) That part of the village of Ashwaubenon comprising wards 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, and 12.
 - (3) The city of De Pere.
 - (4) That part of the city of Green Bay comprising ward 46.

Fifth assembly district. All of the following territory constitutes the 5th assembly district:

- (1) Brown County. That part of Brown County consisting of all of the following:
 - (a) The towns of Hobart and Lawrence.

- (b) That part of the village of Ashwaubenon comprising ward 9.

- (c) That part of the city of Green Bay comprising wards 47, 48, and 49.

- (2) Outagamie County. That part of Outagamie County consisting of all of the following:

- (a) The towns of Black Creek, Cicero, Freedom, Kaukauna, Oneida, Osborn, Seymour, and Vandenbroek.

- (b) The villages of Black Creek and Nichols.

- (c) That part of the village of Little Chute comprising wards 1, 2, 4, 8, 9, 10, and 12.

- (d) That part of the village of Howard located in the county.

- (e) The cities of Kaukauna and Seymour.

- (3) Shawano County. That part of Shawano County consisting of the town of Maple Grove.

Sixth assembly district. All of the following territory constitutes the 6th assembly district:

- (1) Oconto County. That part of Oconto County consisting of all of the following:

- (a) The towns of Abrams, Bagley, Brazeau, Breed, Gillett, How, Maple Valley, Morgan, Oconto Falls, Spruce, and Underhill.

- (b) The village of Suring.

- (c) The cities of Gillett and Oconto Falls.

- (2) Outagamie County. That part of Outagamie County consisting of all of the following:

- (a) The towns of Bovina, Deer Creek, Ellington, Liberty, Maine, and Maple Creek.

- (b) The villages of Bear Creek and Shiocton.

- (3) Shawano County. That part of Shawano County consisting of all of the following:

- (a) The towns of Angelica, Belle Plaine, Grant, Green Valley, Hartland, Herman, Lessor, Morris, Navarino, Pella, Richmond, Seneca, Washington, Waukechon, and Wescott.

(b) The villages of Bonduel, Bowler, Cecil, and Gresham.

(c) The city of Shawano.

(4) Waupaca County. That part of Waupaca County consisting of all of the following:

(a) The town of Matteson.

(b) The village of Embarrass.

Seventh assembly district. All of the following territory in Milwaukee County constitutes the 7th assembly district:

(1) That part of the city of Greenfield comprising wards 1, 2, 3, 4, 5, 8, 13, 14, 15, 16, 17, 18, 19, 20, and 21.

(2) That part of the city of Milwaukee comprising wards 184, 185, 186, 187, 188, 189, 190, 193, 194, 195, 196, 197, 198, 199, and 231.

Eighth assembly district. All of the following territory in Milwaukee County constitutes the 8th assembly district: that part of the city of Milwaukee comprising wards 63, 64, 132, 133, 134, 135, 139, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 291, 292, and 293.

Ninth assembly district. All of the following territory in Milwaukee County constitutes the 9th assembly district: that part of the city of Milwaukee comprising wards 136, 137, 138, 140, 141, 142, 143, 144, 145, 146, 182, 183, 200, 217, 218, 219, 220, 221, 242, 243, 244, 245, 246, 247, 248, 294, 295, and 296.

***11** Tenth assembly district. All of the following territory in Milwaukee County constitutes the 10th assembly district:

(1) That part of the city of Glendale comprising wards 1, 6, and 12.

(2) That part of the city of Milwaukee comprising wards 1, 2, 3, 11, 13, 16, 17, 19, 41, 48, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 157, 161, 164, 165, 166, 176, 177, and 178.

Eleventh assembly district. All of the following territory in Milwaukee County constitutes the 11th assembly district: that part of the city of Milwaukee comprising wards 4, 5, 6, 7, 8, 9, 10, 12, 14, 15, 18, 20, 21, 22, 23, 26, 27, 28, 78, 79, 80, 115, 156, 158, 159, 160, 162, and 163.

Twelfth assembly district. All of the following territory constitutes the 12th assembly district:

(1) Milwaukee County. That part of Milwaukee County consisting of all of the following:

(a) That part of the city of Milwaukee comprising wards 24, 25, 74, 75, 76, 77, 83, 148, 149, 151, 152, 153, 154, 155, 264, 266, 267, 268, 269, 270, 271, 272, and 273.

(b) That part of the city of Wauwatosa comprising wards 23 and 24.

(2) Waukesha County. That part of Waukesha County consisting of that part of the city of Milwaukee comprising ward 274.

Thirteenth assembly district. All of the following territory in Milwaukee County constitutes the 13th assembly district:

(1) The village of West Milwaukee.

(2) That part of the city of Milwaukee comprising wards 37, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 282, 283, 284, 285, 288, and 289.

(3) That part of the city of Wauwatosa comprising wards 1, 2, 3, 4, 7, 10, 11, 12, 13, 14, and 15.

Fourteenth assembly district. All of the following territory constitutes the 14th assembly district:

(1) Milwaukee County. That part of Milwaukee County consisting of all of the following:

(a) That part of the city of Milwaukee comprising wards 286 and 287.

(b) That part of the city of Wauwatosa comprising wards 5, 6, 8, 9, 16, 17, 18, 19, 20, 21, and 22.

(c) That part of the city of West Allis comprising wards 16, 17, 18, 28, 30, and 32.

(2) Waukesha County. That part of Waukesha County consisting of all of the following:

(a) The village of Elm Grove.

(b) That part of the city of Brookfield comprising wards 1, 2, 3, 7, 9, 15, 23, and 24.

Fifteenth assembly district. All of the following territory in Milwaukee County constitutes the 15th assembly district:

- (1) That part of the city of Milwaukee comprising wards 191 and 192.
- (2) That part of the city of West Allis comprising wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 31, and 33.

Sixteenth assembly district. All of the following territory in Milwaukee County constitutes the 16th assembly district: that part of the city of Milwaukee comprising wards 60, 61, 62, 65, 66, 70, 71, 72, 73, 105, 106, 107, 108, 109, 110, 111, 112, 174, 175, 179, 180, 297, 298, 299, 311, 312, 313, and 314.

***12** Seventeenth assembly district. All of the following territory in Milwaukee County constitutes the 17th assembly district: that part of the city of Milwaukee comprising wards 29, 30, 31, 32, 33, 34, 35, 36, 81, 82, 84, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 128, 167, 168, 169, 170, and 171.

Eighteenth assembly district. All of the following territory in Milwaukee County constitutes the 18th assembly district: that part of the city of Milwaukee comprising wards 67, 68, 69, 126, 129, 130, 131, 172, 173, 181, 275, 276, 277, 278, 279, 280, 281, 290, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, and 310.

Nineteenth assembly district. All of the following territory in Milwaukee County constitutes the 19th assembly district: that part of the city of Milwaukee comprising wards 39, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 235, 236, 237, 238, 239, 240, 241, 251, 252, and 255.

Twentieth assembly district. All of the following territory in Milwaukee County constitutes the 20th assembly district:

- (1) The cities of Cudahy and St. Francis.
- (2) That part of the city of Milwaukee comprising wards 216, 222, 223, 224, 225, 226, 227, 228, 230, 233, 234, 249, 250, 253, 254, 256, and 257.

Twenty-first assembly district. All of the following territory in Milwaukee County constitutes the 21st assembly district:

- (1) The cities of Oak Creek and South Milwaukee.

- (2) That part of the city of Milwaukee comprising wards 229 and 232.

Twenty-second assembly district. All of the following territory in Milwaukee County constitutes the 22nd assembly district:

- (1) The villages of Fox Point, River Hills, Shorewood, and Whitefish Bay.
- (2) That part of the city of Glendale comprising wards 2, 3, 4, 5, 7, 8, 9, 10, and 11.
- (3) That part of the city of Milwaukee comprising wards 38, 40, 147, and 150.

Twenty-third assembly district. All of the following territory constitutes the 23rd assembly district:

- (1) Milwaukee County. That part of Milwaukee County consisting of all of the following:
 - (a) The village of Brown Deer.
 - (b) That part of the village of Bayside located in the county.
 - (c) That part of the city of Milwaukee comprising wards 258, 259, 260, 261, 262, 263, and 265.
- (2) Ozaukee County. That part of Ozaukee County consisting of all of the following:
 - (a) The village of Thiensville.
 - (b) That part of the village of Bayside located in the county.
 - (c) That part of the city of Mequon comprising wards 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21.
- (3) Washington County. That part of Washington County consisting of that part of the city of Milwaukee comprising ward 262.

Twenty-fourth assembly district. All of the following territory constitutes the 24th assembly district:

- (1) Washington County. That part of Washington County consisting of all of the following:
 - (a) The town of Germantown.

*13 (b) That part of the town of Richfield comprising wards 6, 7, 8, 11, 12, and 13.

(c) The village of Germantown.

(2) Waukesha County. That part of Waukesha County consisting of all of the following:

(a) The village of Butler.

(b) That part of the village of Menomonee Falls comprising wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 28, and 29.

Twenty-fifth assembly district. All of the following territory constitutes the 25th assembly district:

(1) Calumet County. That part of Calumet County consisting of all of the following:

(a) The town of Rantoul.

(b) The villages of Hilbert and Potter.

(2) Manitowoc County. That part of Manitowoc County consisting of all of the following:

(a) The towns of Cato, Centerville, Eaton, Liberty, Manitowoc, Manitowoc Rapids, Meeme, Newton, and Rockland.

(b) The villages of Cleveland, Reedsville, St. Nazianz, Valders, and Whitelaw.

(c) The city of Manitowoc.

Twenty-sixth assembly district. All of the following territory in Sheboygan County constitutes the 26th assembly district:

(1) That part of the town of Sheboygan comprising ward 2.

(2) The village of Kohler.

(3) The city of Sheboygan.

(4) That part of the city of Sheboygan Falls comprising ward 10.

Twenty-seventh assembly district. All of the following territory constitutes the 27th assembly district:

(1) Calumet County. That part of Calumet County consisting of all of the following:

(a) The towns of Brothertown, Charlestown, and New Holstein.

(b) The city of New Holstein.

(c) That part of the city of Kiel located in the county.

(2) Fond du Lac County. That part of Fond du Lac County consisting of all of the following:

(a) The towns of Calumet, Forest, and Marshfield.

(b) The villages of Mount Calvary and St. Cloud.

(3) Manitowoc County. That part of Manitowoc County consisting of all of the following:

(a) The town of Schleswig.

(b) That part of the city of Kiel located in the county.

(4) Sheboygan County. That part of Sheboygan County consisting of all of the following:

(a) The towns of Greenbush, Herman, Mosel, Plymouth, Rhine, Russell, and Sheboygan Falls.

(b) That part of the town of Sheboygan comprising wards 1, 3, 4, 5, 6, and 7.

(c) The villages of Elkhart Lake, Glenbeulah, and Howards Grove.

(d) The city of Plymouth.

(e) That part of the city of Sheboygan Falls comprising wards 1, 2, 3, 4, 5, 6, 7, 8, and 9.

Twenty-eighth assembly district. All of the following territory constitutes the 28th assembly district:

(1) Burnett County. That part of Burnett County consisting of all of the following:

(a) The towns of Anderson, Daniels, Dewey, Grantsburg, La Follette, Lincoln, Meenon, Roosevelt, Siren, Trade Lake, West Marshland, and Wood River.

(b) The villages of Grantsburg, Siren, and Webster.

(2) Polk County. That part of Polk County consisting of all of the following:

***14** (a) The towns of Alden, Apple River, Balsam Lake, Black Brook, Bone Lake, Clam Falls, Clayton, Clear Lake, Eureka, Farmington, Garfield, Georgetown, Laketown, Lincoln, Lorain, Luck, Milltown, Osceola, St. Croix Falls, Sterling, and West Sweden.

(b) The villages of Balsam Lake, Centuria, Clayton, Clear Lake, Dresser, Frederic, Luck, Milltown, and Osceola.

(c) The cities of Amery and St. Croix Falls.

(3) St. Croix County. That part of St. Croix County consisting of all of the following:

(a) That part of the town of Somerset comprising wards 1, 3, 4, and 5.

(b) The village of Somerset.

Twenty-ninth assembly district. All of the following territory constitutes the 29th assembly district:

(1) Dunn County. That part of Dunn County consisting of all of the following:

(a) The towns of Lucas, Menomonie, and Stanton.

(b) The village of Knapp.

(c) The city of Menomonie.

(2) Pierce County. That part of Pierce County consisting of all of the following:

(a) The towns of Gilman and Spring Lake.

(b) The village of Elmwood.

(c) That part of the village of Spring Valley located in the county.

(3) St. Croix County. That part of St. Croix County consisting of all of the following:

(a) The towns of Baldwin, Cady, Cylon, Eau Galle, Emerald, Erin Prairie, Forest, Glenwood, Hammond, Kinnickinnic, Pleasant Valley, Richmond, Rush River, Springfield, Stanton, Star Prairie, and Warren.

(b) The villages of Baldwin, Deer Park, Hammond, Roberts, Star Prairie, Wilson, and Woodville.

(c) That part of the village of Spring Valley located in the county.

(d) The cities of Glenwood City and New Richmond.

Thirtieth assembly district. All of the following territory constitutes the 30th assembly district:

(1) Pierce County. That part of Pierce County consisting of all of the following:

(a) The towns of Clifton, Diamond Bluff, Oak Grove, River Falls, Trenton, and Trimbelle.

(b) The village of Ellsworth.

(c) The city of Prescott.

(d) That part of the city of River Falls located in the county.

(2) St. Croix County. That part of St. Croix County consisting of all of the following:

(a) The towns of Hudson, St. Joseph, and Troy.

(b) That part of the town of Somerset comprising ward 2.

(c) The village of North Hudson.

(d) The city of Hudson.

(e) That part of the city of River Falls located in the county.

Thirty-first assembly district. All of the following territory constitutes the 31st assembly district:

(1) Jefferson County. That part of Jefferson County consisting of all of the following:

(a) The towns of Cold Spring, Concord, Farmington, Hebron, Palmyra, and Sullivan.

(b) The villages of Johnson Creek, Palmyra, and Sullivan.

(2) Walworth County. That part of Walworth County consisting of all of the following:

(a) The towns of Lafayette, La Grange, Spring Prairie, Sugar Creek, and Troy.

(b) The city of Elkhorn.

***15** (3) Waukesha County. That part of Waukesha County consisting of all of the following:

- (a) The towns of Eagle, Ottawa, and Summit.
- (b) The villages of Dousman, Eagle, and Oconomowoc Lake.
- (c) That part of the city of Oconomowoc comprising wards 7, 8, 9, 10, 11, 12, and 13.

Thirty-second assembly district. All of the following territory constitutes the 32nd assembly district:

- (1) Kenosha County. That part of Kenosha County consisting of the town of Wheat land.
- (2) Walworth County. That part of Walworth County consisting of all of the following:
 - (a) The towns of Bloomfield, Darien, Delavan, Geneva, Linn, Lyons, Sharon, and Walworth.
 - (b) The villages of Darien, Fontana-on-Geneva Lake, Sharon, Walworth, and Williams Bay.
 - (c) That part of the village of Genoa City located in the county.
 - (d) The cities of Delavan and Lake Geneva.

Thirty-third assembly district. All of the following territory in Waukesha County constitutes the 33rd assembly district:

- (1) The towns of Delafield and Geneses.
- (2) That part of the town of Mukwonago comprising wards 1, 2, 4, 5, 6, 7, 8, 9, and 10.
- (3) That part of the town of Waukesha comprising wards 3, 7, and 8.
- (4) The villages of Chenequa, Hartland, Nashotah, North Prairie, and Wales.
- (5) The city of Delafield.
- (6) That part of the city of Pewaukee comprising ward 7.
- (7) That part of the city of Waukesha comprising wards 8, 10, 11, 12, 13, 14, and 15.

Thirty-fourth assembly district. All of the following territory constitutes the 34th assembly district:

- (1) Whole county. Vilas County.

- (2) Oneida County. That part of Oneida County consisting of all of the following:

- (a) The towns of Crescent, Enterprise, Hazelhurst, Lake Tomahawk, Minocqua, Monico, Newbold, Pelican, Piehl, Pine Lake, Schoepke, Stella, Sugar Camp, Three Lakes, and Woodruff.

- (b) The city of Rhinelander.

Thirty-fifth assembly district. All of the following territory constitutes the 35th assembly district:

- (1) Whole county. Lincoln County.
- (2) Langlade County. That part of Langlade County consisting of all of the following:
 - (a) The towns of Ackley, Ainsworth, Antigo, Elcho, Neva, Norwood, Parrish, Peck, Rolling, Summit, Upham, and Vilas.
 - (b) The city of Antigo.
- (3) Marathon County. That part of Marathon County consisting of all of the following:

- (a) The towns of Halsey, Hamburg, Harrison, and Hewitt.
- (b) The village of Athens.

- (4) Oneida County. That part of Oneida County consisting of the towns of Cassian, Little Rice, Lynne, Nokomis, and Woodboro.

Thirty-sixth assembly district. All of the following territory constitutes the 36th assembly district:

- (1) Whole counties. Florence County, Forest County, and Menominee County.
- (2) Langlade County. That part of Langlade County consisting of all of the following:
 - (a) The towns of Evergreen, Langlade, Polar, Price, and Wolf River.

- *16 (b) The village of White Lake.

- (3) Marathon County. That part of Marathon County consisting of all of the following:

- (a) The town of Elderon.

- (b) The village of Elderon.
- (c) That part of the village of Birnamwood located in the county.
- (4) Marinette County. That part of Marinette County consisting of all of the following:
 - (a) The towns of Amberg, Athelstane, Beecher, Dunbar, Goodman, Lake, Middle Inlet, Niagara, Pembine, Porterfield, Silver Cliff, Stephenson, Wagner, and Wausaukee.
 - (b) The villages of Crivitz and Wausaukee.
 - (c) The city of Niagara.
- (5) Oconto County. That part of Oconto County consisting of the towns of Doty, Lakewood, Mountain, Riverview, and Townsend.
- (6) Shawano County. That part of Shawano County consisting of all of the following:
 - (a) The towns of Almon, Aniwa, Bartelme, Birnamwood, Hutchins, Red Springs, and Wittenberg.
 - (b) The villages of Mattoon and Wittenberg.
 - (c) That part of the village of Birnamwood located in the county.

Thirty-seventh assembly district. All of the following territory constitutes the 37th assembly district:

- (1) Dane County. That part of Dane County consisting of all of the following:
 - (a) The towns of Albion, Christiana, and Deerfield.
 - (b) The villages of Deerfield and Rochdale.
 - (c) That part of the village of Cambridge located in the county.
- (2) Jefferson County. That part of Jefferson County consisting of all of the following:
 - (a) The towns of Aztalan, Jefferson, Koshkonong, Lake Mills, Milford, Oakland, Sumner, Waterloo, and Watertown.

- (b) That part of the town of Ixonia comprising wards 1, 3, and 4.
- (c) That part of the village of Cambridge located in the county.
- (d) The cities of Fort Atkinson, Jefferson, Lake Mills, and Waterloo.

Thirty-eighth assembly district. All of the following territory constitutes the 38th assembly district:

- (1) Columbia County. That part of Columbia County consisting of that part of the city of Columbus located in the county.
- (2) Dodge County. That part of Dodge County consisting of all of the following:
 - (a) The towns of Ashippun, Clyman, Elba, Emmet, Hustisford, Lebanon, Lowell, Portland, and Shields.
 - (b) The villages of Clyman, Hustisford, Lowell, and Reeseville.
 - (c) That part of the city of Watertown located in the county.
 - (d) Dodge County. That part of Dodge County consisting of that part of the city of Columbus located in the county.
- (3) Jefferson County. That part of Jefferson County consisting of all of the following:
 - (a) That part of the town of Ixonia comprising ward 2.
 - (b) That part of the city of Watertown located in the county.
- (4) Waukesha County. That part of Waukesha County consisting of all of the following:
 - (a) The town of Oconomowoc.
 - (b) The village of Lac La Belle.
 - (c) That part of the city of Oconomowoc comprising wards 1, 2, 3, 4, 5, and 6.

Thirty-ninth assembly district. All of the following territory constitutes the 39th assembly district:

- *17 (1) Columbia County. That part of Columbia County consisting of that part of the village of Randolph located in the county.

(2) Dodge County. That part of Dodge County consisting of all of the following:

- (a) The towns of Beaver Dam, Burnett, Calamus, Chester, Fox Lake, Herman, Hubbard, Leroy, Lomira, Oak Grove, Rubicon, Trenton, Westford, and Williams town.
- (b) The villages of Brownsville, Iron Ridge, Kekoskee, Lomira, and Neosho.
- (c) That part of the village of Randolph located in the county.
- (d) The cities of Beaver Dam, Fox Lake, Horicon, Juneau, and Maxville.

Fortieth assembly district. All of the following territory constitutes the 40th assembly district:

(1) Outagamie County. That part of Outagamie County consisting of all of the following:

- (a) The town of Hottonia.
- (b) The village of Hortonville.
- (c) That part of the city of New London located in the county.

(2) Shawano County. That part of Shawano County consisting of that part of the city of Marion located in the county.

(3) Waupaca County. That part of Waupaca County consisting of all of the following:

- (a) The towns of Bear Creek, Caledonia, Dayton, Dupont, Farmington, Harrison, Helvetia, Iola, Larrabee, Lebanon, Lind, Little Wolf, Mukwa, Royalton, St. Lawrence, Scandinavia, Union, Waupaca, Weyauwega, and Wyoming.

(b) The villages of Big Falls, Iola, Ogdensburg, and Scandinavia.

(c) The cities of Clintonville, Manawa, Waupaca, and Weyauwega.

(d) That part of the city of Marion located in the county.

(e) That part of the city of New London located in the county.

Forty-first assembly district. All of the following territory constitutes the 41st assembly district:

(1) Whole county. Green Lake County.

(2) Fond du Lac County. That part of Fond du Lac County consisting of all of the following:

- (a) The towns of Alto, Metomen, and Ripon.
- (b) The villages of Brandon and Fair water.
- (c) The city of Ripon.

(3) Marquette County. That part of Marquette County consisting of all of the following:

(a) The towns of Crystal Lake, Mecan, Neshkoro, and Newton.

(b) The village of Neshkoro.

(4) Waupaca County. That part of Waupaca County consisting of all of the following:

(a) The town of Fremont.

(b) The village of Fremont.

(5) Waushara County. That part of Waushara County consisting of all of the following:

(a) The towns of Aurora, Bloomfield, Coloma, Dakota, Leon, Marion, Mount Morris, Poysippi, Richford, Saxeville, Springwater, Warren, and Wautoma.

(b) The villages of Coloma, Lohrville, Redgranite, and Wild Rose.

(c) The city of Wautoma.

(d) That part of the city of Berlin located in the county.

Forty-second assembly district. All of the following territory constitutes the 42nd assembly district:

(1) Adams County. That part of Adams County consisting of all of the following:

(a) The towns of Dell Prairie and New Haven.

***18** (b) That part of the city of Wisconsin Dells located in the county.

(2) Columbia County. That part of Columbia County consisting of all of the following:

(a) The towns of Caledonia, Fort Winnebago, Lewiston, Marcellon, Newport, and Wyocena.

(b) The villages of Pardeeville and Wyocena.

(c) The city of Portage.

(d) That part of the city of Wisconsin Dells located in the county.

(3) Marquette County. That part of Marquette County consisting of all of the following:

(a) The towns of Buffalo, Douglas, Harris, Montello, Moundville, Oxford, Packwaukee, Shields, and Westfield.

(b) The villages of Endeavor and Oxford.

(c) The city of Montello.

(4) Sauk County. That part of Sauk County consisting of all of the following:

(a) The towns of Baraboo, Delton, Fairfield, and Greenfield.

(b) The villages of Lake Delton and West Baraboo.

(c) The city of Baraboo.

(d) That part of the city of Wisconsin Dells located in the county.

Forty-third assembly district. All of the following territory constitutes the 43rd assembly district:

(1) Dane County. That part of Dane County consisting of that part of the city of Edgerton located in the county.

(2) Jefferson County. That part of Jefferson County consisting of that part of the city of Whitewater located in the county.

(3) Rock County. That part of Rock County consisting of all of the following:

(a) The towns of Avon, Beloit, Center, Fulton, Janesville, Lima, Milton, Newark, Plymouth, Porter, Rock, and Spring Valley.

(b) The villages of Footville and Orfordville.

(c) The city of Milton.

(d) That part of the city of Edgerton located in the county.

(4) Walworth County. That part of Walworth County consisting of all of the following:

(a) The town of Whitewater.

(b) That part of the city of Whitewater located in the county.

Forty-fourth assembly district. All of the following territory in Rock County constitutes the 44th assembly district: that part of the city of Janesville comprising wards 1, 2, 3, 4, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25.

Forty-fifth assembly district. All of the following territory constitutes the 45th assembly district:

(1) Rock County. That part of Rock County consisting of all of the following:

(a) The towns of Bradford, Clinton, Harmony, Johnstown, La Prairie, and Turtle.

(b) The village of Clinton.

(c) The city of Beloit.

(d) That part of the city of Janesville comprising wards 5, 6, and 12.

(2) Walworth County. That part of Walworth County consisting of the town of Richmond.

Forty-sixth assembly district. All of the following territory in Dane County constitutes the 46th assembly district:

(1) The towns of Cottage Grove, Dunkirk, Pleasant Springs, Rutland, and Sun Prairie.

(2) That part of the town of Dunn comprising wards 1 and 7.

(3) The village of Cottage Grove.

(4) That part of the village of Oregon comprising wards 2, 3, and 4.

***19** (5) The cities of Stoughton and Sun Prairie.

Forty-seventh assembly district. All of the following territory constitutes the 47th assembly district:

- (1) Columbia County. That part of Columbia County consisting of all of the following:
 - (a) The towns of Arlington, Columbus, Courtland, Dekorra, Fountain Prairie, Hampden, Leeds, Lodi, Lowville, Otsego, Pacific, Randolph, Scott, Springvale, and West Point.
 - (b) The villages of Arlington, Cambria, Doylestown, Fall River, Friesland, Poynette, and Rio.
 - (c) The city of Lodi.
- (2) Dane County. That part of Dane County consisting of all of the following:
 - (a) The towns of Bristol, Dane, Mazomanie, Medina, Roxbury, Vienna, Windsor, and York.
 - (b) The villages of Dane, DeForest, and Marshall.
- (3) Sauk County. That part of Sauk County consisting of all of the following:
 - (a) The town of Merrimac.
 - (b) The village of Merrimac.

Forty-eighth assembly district. All of the following territory in Dane County constitutes the 48th assembly district:

- (1) The town of Blooming Grove.
- (2) That part of the town of Dunn comprising wards 2, 3, 4, 5, and 6.
- (3) The village of McFarland.
- (4) The city of Monona.
- (5) That part of the city of Madison comprising wards 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 33, 55, and 56.

Forty-ninth assembly district. All of the following territory constitutes the 49th assembly district:

- (1) Whole county. Grant County.
- (2) Iowa County. That part of Iowa County consisting of all of the following:

- (a) That part of the village of Livingston located in the county.
 - (b) That part of the village of Montfort located in the county.
 - (c) That part of the village of Muscoda located in the county.
- (3) Lafayette County. That part of Lafayette County consisting of all of the following:
 - (a) The town of Benton.
 - (b) The village of Benton.
 - (c) That part of the village of Hazel Green located in the county.
 - (d) That part of the city of Cuba City located in the county.
 - (4) Richland County. That part of Richland County consisting of all of the following:
 - (a) The towns of Dayton, Eagle, Orion, and Richwood.
 - (b) The village of Boaz.

Fiftieth assembly district. All of the following territory constitutes the 50th assembly district:

- (1) Whole county. Juneau County.
- (2) Monroe County. That part of Monroe County consisting of all of the following:
 - (a) The towns of Clifton and Glendale.
 - (b) The village of Kendall.
- (3) Richland County. That part of Richland County consisting of all of the following:
 - (a) The towns of Marshall, Richland, Rockbridge, Westford, and Willow.
 - (b) That part of the village of Cazenovia located in the county.
 - (c) The city of Richland Center.
- (4) Sauk County. That part of Sauk County consisting of all of the following:

(a) The towns of Dellona, Excelsior, Freedom, Ironton, La Valle, Reedsburg, Washington, Westfield, Winfield, and Woodland.

*20 (b) The villages of Ironton, La Valle, Lime Ridge, Loganville, North Freedom, and Rock Springs.

(c) That part of the village of Cazenovia located in the county.

(d) The city of Reedsburg.

Fifty-first assembly district. All of the following territory constitutes the 51st assembly district:

(1) Iowa County. That part of Iowa County consisting of all of the following:

(a) The towns of Arena, Brigham, Clyde, Dodgeville, Eden, Highland, Linden, Mifflin, Mineral Point, Moscow, Pulaski, Ridgeway, Waldwick, and Wyoming.

(b) The villages of Arena, Avoca, Barneveld, Cobb, Highland, Hollandale, Linden, Rewey, and Ridge way.

(c) That part of the village of Blanchardville located in the county.

(d) The cities of Dodgeville and Mineral Point.

(2) Lafayette County. That part of Lafayette County consisting of all of the following:

(a) The towns of Argyle, Belmont, Blanchard, Darlington, Elk Grove, Fayette, Gratiot, Kendall, Lamont, Monticello, New Diggings, Seymour, Shullsburg, White Oak Springs, Willow Springs, and Wiota.

(b) The villages of Argyle, Belmont, and Gratiot.

(c) That part of the village of Blanchardville located in the county.

(d) The cities of Darlington and Shullsburg.

(3) Richland County. That part of Richland County consisting of all of the following:

(a) The towns of Buena Vista and Ithaca.

(b) The village of Lone Rock.

(4) Sauk County. That part of Sauk County consisting of all of the following:

(a) The towns of Bear Creek, Franklin, Honey Creek, Prairie du Sac, Spring Green, Sumpter, and Troy.

(b) The villages of Plain, Prairie du Sac, Sauk City, and Spring Green.

Fifty-second assembly district. All of the following territory in Fond du Lac County constitutes the 52nd assembly district:

(1) The towns of Eldorado, Friendship, and Taycheedah.

(2) The village of North Fond du Lac.

(3) The city of Fond du Lac.

Fifty-third assembly district. All of the following territory constitutes the 53rd assembly district:

(1) Dodge County. That part of Dodge County consisting of that part of the city of Waupun located in the county.

(2) Fond du Lac County. That part of Fond du Lac County consisting of all of the following:

(a) The towns of Byron, Empire, Fond du Lac, Lamartine, Oakfield, Rosendale, Springvale, and Waupun.

(b) The villages of Oakfield and Rosendale.

(c) That part of the city of Waupun located in the county.

(3) Winnebago County. That part of Winnebago County consisting of all of the following:

(a) The towns of Algoma, Black Wolf, Nekimi, Nepeuskun, Omro, Oshkosh, Rushford, and Utica.

(b) The city of Omro.

(c) That part of the city of Oshkosh comprising wards 3, 4, 5, 6, 7, and 9.

Fifty-fourth assembly district. All of the following territory in Winnebago County constitutes the 54th assembly district: that part of the city of Oshkosh comprising wards 1, 2, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33.

***21** Fifty-fifth assembly district. All of the following territory in Winnebago County constitutes the 55th assembly district:

- (1) That part of the town of Menasha comprising wards 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13.
- (2) The city of Neenah.
- (3) That part of the city of Appleton comprising wards 38 and 39.
- (4) That part of the city of Menasha located in the county.

Fifty-sixth assembly district. All of the following territory constitutes the 56th assembly district:

- (1) Outagamie County. That part of Outagamie County consisting of all of the following:
 - (a) The towns of Center, Dale, Grand Chute, and Greenville.
 - (b) That part of the city of Appleton comprising wards 30, 31, and 32.
- (2) Winnebago County. That part of Winnebago County consisting of all of the following:
 - (a) The towns of Clayton, Neenah, Poygan, Vinland, Winchester, Winneconne, and Wolf River.
 - (b) That part of the town of Menasha comprising wards 1 and 2.
 - (c) The village of Winneconne.

Fifty-seventh assembly district. All of the following territory in Outagamie County constitutes the 57th assembly district:

- (1) That part of the village of Little Chute comprising ward 3.
- (2) That part of the city of Appleton comprising wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 34, 35, 36, and 37.

Fifty-eighth assembly district. All of the following territory in Washington County constitutes the 58th assembly district:

- (1) The towns of Addison, Jackson, and West Bend.
- (2) That part of the town of Hartford comprising ward 5.

- (3) That part of the town of Polk comprising wards 1, 2, 3, 4, 6, and 7.

- (4) That part of the town of Trenton comprising wards 3 and 4.

- (5) The villages of Jackson and Slinger.

- (6) The city of West Bend.

Fifty-ninth assembly district. All of the following territory constitutes the 59th assembly district:

- (1) Dodge County. That part of Dodge County consisting of all of the following:

- (a) The town of Theresa.
- (b) The village of Theresa.

- (2) Fond du Lac County. That part of Fond du Lac County consisting of all of the following:

- (a) The towns of Ashford, Auburn, Eden, and Osceola.
- (b) The villages of Campbellsport and Eden.

- (3) Ozaukee County. That part of Ozaukee County consisting of all of the following:

- (a) The towns of Belgium and Fredonia.
- (b) That part of the town of Saukville comprising ward 1.
- (c) The villages of Belgium and Fredonia.

- (4) Sheboygan County. That part of Sheboygan County consisting of all of the following:

- (a) The towns of Holland, Lima, Lyndon, Mitchell, Scott, Sherman, and Wilson.
- (b) The villages of Adell, Cascade, Cedar Grove, Oostburg, Random Lake, and Waldo.

- (5) Washington County. That part of Washington County consisting of all of the following:

- (a) The towns of Barton, Farmington, Kewaskum, and Wayne.

- *22** (b) The village of Kewaskum.

Sixtieth assembly district. All of the following territory constitutes the 60th assembly district:

- (1) Ozaukee County. That part of Ozaukee County consisting of all of the following:
 - (a) The towns of Cedarburg, Grafton, and Port Washington.
 - (b) That part of the town of Saukville comprising wards 2, 3, 4, 5, and 6.
 - (c) The villages of Grafton and Sackville.
 - (d) That part of the village of Newburg located in the county.
 - (e) The cities of Cedarburg and Port Washington.
 - (f) That part of the city of Mequon comprising ward 2.
- (2) Washington County. That part of Washington County consisting of all of the following:
 - (a) That part of the town of Trenton comprising wards 1, 2, 5, 6, and 7.
 - (b) That part of the village of Newburg located in the county.

Sixty-first assembly district. All of the following territory in Racine County constitutes the 61st assembly district:

- (1) That part of the town of Mount Pleasant comprising ward 22.
- (2) The villages of North Bay and Wind Point.
- (3) That part of the city of Racine comprising wards 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 27, 33, and 34.

Sixty-second assembly district. All of the following territory in Racine County constitutes the 62nd assembly district:

- (1) That part of the town of Mount Pleasant comprising wards 1, 2, 3, 4, 5, 7, 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, and 23.
- (2) The villages of Elmwood Park and Sturtevant.
- (3) That part of the city of Racine comprising wards 8, 21, 23, 24, 25, 26, 28, 29, 30, 31, and 32.

Sixty-third assembly district. All of the following territory in Racine County constitutes the 63rd assembly district:

- (1) The towns of Caledonia, Dover, Norway, Raymond, Rochester, and Yorkville.
- (2) That part of the town of Mount Pleasant comprising wards 6, 8, 9, 13, and 15.
- (3) The villages of Rochester and Union Grove.

Sixty-fourth assembly district. All of the following territory in Kenosha County constitutes the 64th assembly district:

- (1) That part of the town of Somers comprising ward 8.
- (2) That part of the city of Kenosha comprising wards 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19, 20, 21, 22, 29, 31, and 32.

Sixty-fifth assembly district. All of the following territory in Kenosha County constitutes the 65th assembly district:

- (1) That part of the town of Bristol comprising ward 6.
- (2) The village of Pleasant Prairie.
- (3) That part of the city of Kenosha comprising wards 5, 6, 16, 17, 18, 23, 24, 25, 26, 27, 28, 30, 33, and 34.

Sixty-sixth assembly district. All of the following territory constitutes the 66th assembly district:

- (1) Kenosha County. That part of Kenosha County consisting of all of the following:
 - (a) The towns of Brighton, Paris, Randall, and Salem.
 - (b) That part of the town of Bristol comprising wards 1, 2, 3, 4, 5, 7, and 8.
 - *23 (c) That part of the town of Somers comprising wards 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, and 12.
- (d) The villages of Paddock Lake, Silver Lake, and Twin Lakes.
- (e) That part of the village of Genoa City located in the county.
- (2) Racine County. That part of Racine County consisting of all of the following:
 - (a) The town of Burlington.

(b) That part of the city of Burlington located in the county.

(3) Walworth County. That part of Walworth County consisting of that part of the city of Burlington located in the county.

Sixty-seventh assembly district. All of the following territory constitutes the 67th assembly district:

(1) Barron County. That part of Barron County consisting of all of the following:

(a) The towns of Dallas, Dovre, and Sioux Creek.

(b) The village of Dallas.

(c) That part of the village of New Auburn located in the county.

(2) Chippewa County. That part of Chippewa County consisting of all of the following:

(a) The towns of Anson, Arthur, Auburn, Birch Creek, Bloomer, Cleveland, Colburn, Cooks Valley, Eagle Point, Estella, Goetz, Howard, Lake Holcombe, Ruby, Sampson, Tilden, and Woodmohr.

(b) The village of Cadott.

(c) That part of the village of New Auburn located in the county.

(d) The cities of Bloomer, Chippewa Falls, and Cornell.

(3) Dunn County. That part of Dunn County consisting of all of the following:

(a) The towns of Colfax, Elk Mound, Grant, Hay River, New Haven, Otter Creek, Red Cedar, Sand Creek, Sheridan, Sherman, Spring Brook, Tainter, Tiffany, and Wilson.

(b) The villages of Boyceville, Colfax, Downing, Elk Mound, Ridgeland, and Wheeler.

Sixty-eighth assembly district. All of the following territory constitutes the 68th assembly district:

(1) Chippewa County. That part of Chippewa County consisting of all of the following:

(a) The towns of Hallie, Lafayette, and Wheaton.

(b) That part of the city of Eau Claire located in the county.

(2) Eau Claire County. That part of Eau Claire County consisting of all of the following:

(a) The towns of Lincoln, Ludington, Seymour, and Union.

(b) That part of the town of Washington comprising wards 9 and 13.

(c) The village of Fall Creek.

(d) That part of the city of Altoona comprising wards 8, 12, and 13.

(e) That part of the city of Eau Claire comprising wards 1, 7, 8, 9, 10, 11, 12, 13, 14, 19, 22, 23, 29, 34, 35, 36, and 37.

Sixty-ninth assembly district. All of the following territory constitutes the 69th assembly district:

(1) Chippewa County. That part of Chippewa County consisting of all of the following:

(a) The towns of Delmar, Edson, and Sigel.

(b) The village of Boyd.

(c) The city of Stanley.

(2) Clark County. That part of Clark County consisting of all of the following:

(a) The towns of Beaver, Butler, Colby, Eaton, Foster, Fremont, Grant, Green Grove, Hendren, Hewett, Hixon, Hoard, Longwood, Loyal, Lynn, Mayville, Mead, Mentor, Pine Valley, Reseburg, Seif, Sherman, Sherwood, Thorp, Unity, Warner, Washburn, Weston, Withee, Worden, and York.

*24 (b) The villages of Curtiss, Granton, and Withee.

(c) That part of the village of Dorchester located in the county.

(d) That part of the village of Unity located in the county.

(e) The cities of Greenwood, Loyal, Neillsville, Owen, and Thorp.

(f) That part of the city of Abbotsford located in the county.

- (g) That part of the city of Colby located in the county.
- (3) Eau Claire County. That part of Eau Claire County consisting of the town of Wilson.
- (4) Marathon County. That part of Marathon County consisting of all of the following:
 - (a) The towns of Brighton, Cleveland, Eau Pleine, Frankfort, Hull, McMillan, Spencer, and Wien.
 - (b) The villages of Edgar, Fenwood, Spencer, and Stratford.
 - (c) That part of the village of Dorchester located in the county.
 - (d) That part of the village of Unity located in the county.
 - (e) That part of the city of Abbotsford located in the county.
 - (f) That part of the city of Colby located in the county.
- (5) Taylor County. That part of Taylor County consisting of the town of Taft.
- (6) Wood County. That part of Wood County consisting of the town of Lincoln.

Seventieth assembly district. All of the following territory constitutes the 70th assembly district:

- (1) Marathon County. That part of Marathon County consisting of that part of the city of Marshfield located in the county.
- (2) Portage County. That part of Portage County consisting of all of the following:
 - (a) The towns of Carson, Dewey, Eau Pleine, Hull, Linwood, and Sharon.
 - (b) That part of the town of Grant comprising ward 3.
 - (c) That part of the town of Plover comprising wards 1 and 4.
 - (d) The village of Junction City.
 - (e) That part of the village of Milladore located in the county.
- (3) Wood County. That part of Wood County consisting of all of the following:

- (a) The towns of Arpin, Auburndale, Cameron, Cary, Cranmoor, Dexter, Hansen, Hiles, Marshfield, Milladore, Port Edwards, Remington, Richfield, Rock, Rudolph, Seneca, Sherry, Sigel, and Wood.
- (b) The villages of Arpin, Auburndale, Hewitt, Rudolph, and Vesper.
- (c) That part of the village of Milladore located in the county.
- (d) The cities of Nekoosa and Pittsville.
- (e) That part of the city of Marshfield located in the county.

Seventy-first assembly district. All of the following territory constitutes the 71st assembly district:

- (1) Portage County. That part of Portage County consisting of all of the following:
 - (a) The towns of Almond, Amherst, Belmont, Buena Vista, Lanark, New Hope, Pine Grove, and Stockton.
 - (b) That part of the town of Plover comprising wards 2 and 3.
 - (c) The villages of Almond, Amherst, Amherst Junction, Nelsonville, Park Ridge, Plover, and Whiting.
 - (d) The city of Stevens Point.
- (2) Waushara County. That part of Waushara County consisting of all of the following:
 - (a) The towns of Deerfield, Hancock, Oasis, Plainfield, and Rose.
 - *25 (b) The villages of Hancock and Plainfield.

Seventy-second assembly district. All of the following territory constitutes the 72nd assembly district:

- (1) Adams County. That part of Adams County consisting of all of the following:
 - (a) The towns of Adams, Big Flats, Colburn, Easton, Jackson, Leola, Lincoln, Monroe, New Chester, Preston, Quincy, Richfield, Rome, Springville, and Strong's Prairie.
 - (b) The village of Friendship.

(c) The city of Adams.

(2) Marquette County. That part of Marquette County consisting of all of the following:

(a) The town of Springfield.

(b) The village of Westfield.

(3) Portage County. That part of Portage County consisting of that part of the town of Grant comprising wards 1 and 2.

(4) Wood County. That part of Wood County consisting of all of the following:

(a) The towns of Grand Rapids and Saratoga.

(b) The villages of Biron and Port Edwards.

(c) The city of Wisconsin Rapids.

Seventy-third assembly district. All of the following territory constitutes the 73rd assembly district:

(1) Whole county. Douglas County.

(2) Burnett County. That part of Burnett County consisting of the towns of Blaine, Jackson, Oakland, Rusk, Sand Lake, Scott, Swiss, Union, and Webb Lake.

(3) Washburn County. That part of Washburn County consisting of all of the following:

(a) The towns of Bass Lake, Brooklyn, Casey, Chicog, Crystal, Evergreen, Frog Creek, Gull Lake, Minong, Springbrook, Stinnett, and Trego.

(b) The village of Mining.

Seventy-fourth assembly district. All of the following territory constitutes the 74th assembly district:

(1) Whole counties. Ashland County, Bayfield County, and Iron County.

(2) Sawyer County. That part of Sawyer County consisting of all of the following:

(a) The towns of Bass Lake, Couderay, Edgewater, Hayward, Hunter, Lenroot, Ojibwa, Radisson, Round Lake, Sand Lake, Spider Lake, and Winter.

(b) The villages of Couderay, Radisson, and Winter.

(c) The city of Hayward.

Seventy-fifth assembly district. All of the following territory constitutes the 75th assembly district:

(1) Barron County. That part of Barron County consisting of all of the following:

(a) The towns of Almena, Arland, Barron, Bear Lake, Cedar Lake, Chetek, Clinton, Crystal Lake, Cumberland, Doyle, Lakeland, Maple Grove, Maple Plain, Oak Grove, Prairie Farm, Prairie Lake, Rice Lake, Stanfold, Stanley, Sumner, Turtle Lake, and Vance Creek.

(b) The villages of Almena, Cameron, Haugen, and Prairie Farm.

(c) That part of the village of Turtle Lake located in the county.

(d) The cities of Barron, Chetek, Cumberland, and Rice Lake.

(2) Polk County. That part of Polk County consisting of all of the following:

(a) The towns of Beaver, Johnstown, and McKinley.

(b) That part of the village of Turtle Lake located in the county.

(3) Washburn County. That part of Washburn County consisting of all of the following:

*26 (a) The towns of Barronett, Bashaw, Beaver Brook, Birchwood, Long Lake, Madge, Sarona, Spooner, and Stone Lake.

(b) The village of Birchwood.

(c) The cities of Shell Lake and Spooner.

Seventy-sixth assembly district. All of the following territory in Dane County constitutes the 76th assembly district:

(1) That part of the town of Madison comprising wards 2, 3, 4, and 6.

(2) That part of the city of Fitchburg comprising wards 1, 2, 3, 4, and 6.

- (3) That part of the city of Madison comprising wards 48, 50, 58, 59, 60, 65, 66, 67, 68, 69, 72, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, and 94.

Seventy-seventh assembly district. All of the following territory in Dane County constitutes the 77th assembly district:

- (1) The village of Shorewood Hills.
- (2) That part of the city of Madison comprising wards 45, 46, 47, 61, 62, 63, 64, 70, 71, 73, 74, 75, 76, 77, 78, 79, 80, 81, 95, 96, and 97.
- (3) That part of the city of Middleton comprising wards 2, 3, and 4.

Seventy-eighth assembly district. All of the following territory in Dane County constitutes the 78th assembly district:

- (1) That part of the town of Madison comprising wards 1, 5, 7, 8, 9, 10, and 11.
- (2) The village of Maple Bluff.
- (3) That part of the city of Madison comprising wards 14, 15, 21, 31, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 49, 51, 52, 53, 54, and 57.

Seventy-ninth assembly district. All of the following territory in Dane County constitutes the 79th assembly district:

- (1) The towns of Blue Mounds, Cross Plains, Middleton, Springdale, Vermont, and Verona.
- (2) The villages of Blue Mounds and Mount Horeb.
- (3) The city of Verona.
- (4) That part of the city of Fitchburg comprising wards 5, 7, 8, 9, 10, 11, and 12.
- (5) That part of the city of Madison comprising wards 82, 83, 98, and 99.
- (6) That part of the city of Middleton comprising wards 1, 5, 6, 7, and 9.

Eightieth assembly district. All of the following territory constitutes the 80th assembly district:

- (1) Whole county. Green County.

- (2) Dane County. That part of Dane County consisting of all of the following:

- (a) The towns of Montrose, Oregon, Perry, and Primrose.
- (b) That part of the village of Oregon comprising wards 1, 5, 6, 7, and 8.
- (c) That part of the village of Belleville located in the county.
- (d) That part of the village of Brooklyn located in the county.

- (3) Lafayette County. That part of Lafayette County consisting of all of the following:

- (a) The town of Wayne.
- (b) The village of South Wayne.

- (4) Rock County. That part of Rock County consisting of all of the following:

- (a) The towns of Magnolia and Union.
- (b) The city of Evansville.

Eighty-first assembly district. All of the following territory in Dane County constitutes the 81st assembly district:

- (1) The towns of Berry, Black Earth, Burke, Springfield, and Westport.
- (2) The villages of Black Earth, Cross Plains, Mazomanie, and Waunakee.
- *27 (3) That part of the city of Madison comprising wards 9, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, and 30.
- (4) That part of the city of Middleton comprising ward 8.

Eighty-second assembly district. All of the following territory in Milwaukee County constitutes the 82nd assembly district:

- (1) The village of Greendale.
- (2) The city of Franklin.
- (3) That part of the city of Greenfield comprising wards 6, 7, 9, 10, 11, and 12.

Eighty-third assembly district. All of the following territory constitutes the 83rd assembly district:

- (1) Racine County. That part of Racine County consisting of all of the following:
 - (a) The town of Waterford.
 - (b) The village of Waterford.
- (2) Walworth County. That part of Walworth County consisting of all of the following:
 - (a) The town of East Troy.
 - (b) The village of East Troy.
 - (c) That part of the village of Mukwonago located in the county.
- (3) Waukesha County. That part of Waukesha County consisting of all of the following:
 - (a) The town of Vernon.
 - (b) That part of the town of Mukwonago comprising ward 3.
 - (c) The village of Big Bend.
 - (d) That part of the village of Mukwonago located in the county.
 - (e) The city of Muskego.

Eighty-fourth assembly district. All of the following territory constitutes the 84th assembly district:

- (1) Milwaukee County. That part of Milwaukee County consisting of the village of Hales Corners.
- (2) Waukesha County. That part of Waukesha County consisting of all of the following:
 - (a) That part of the town of Waukesha comprising wards 6, 9, 10, 11, and 12.
 - (b) The city of New Berlin.
 - (c) That part of the city of Waukesha comprising wards 25 and 26.

Eighty-fifth assembly district. All of the following territory constitutes the 85th assembly district:

- (1) Marathon County. That part of Marathon County consisting of all of the following:
 - (a) The towns of Berlin, Easton, Maine, Norrie, Plover, Texas, and Wausau.
 - (b) The village of Brokaw.
 - (c) That part of the village of Rothschild comprising wards 1, 2, 3, and 4.
 - (d) The cities of Schofield and Wausau.
- (2) Shawano County. That part of Shawano County consisting of the villages of Aniwa and Eland.

Eighty-sixth assembly district. All of the following territory constitutes the 86th assembly district:

- (1) Marathon County. That part of Marathon County consisting of all of the following:
 - (a) The towns of Bergen, Bevent, Cassel, Day, Emmet, Franzen, Green Valley, Guenther, Knowlton, Kronenwetter, Marathon, Mosinee, Reid, Rib Falls, Rib Mountain, Rietbrock, Ringle, Stettin, and Weston.
 - (b) The villages of Hatley, Marathon City, and Weston.
 - (c) That part of the village of Rothschild comprising wards 5 and 6.
 - (d) The city of Mosinee.
- (2) Portage County. That part of Portage County consisting of all of the following:
 - (a) The town of Alban.
 - (b) The village of Rosholt.
- *28 (3) Shawano County. That part of Shawano County consisting of all of the following:
 - (a) The towns of Fairbanks and Germania.
 - (b) The village of Tiverton.

Eighty-seventh assembly district. All of the following territory constitutes the 87th assembly district:

- (1) Whole counties. Price County and Rusk County.
- (2) Marathon County. That part of Marathon County consisting of the towns of Bern, Holton, and Johnson.
- (3) Sawyer County. That part of Sawyer County consisting of all of the following:
 - (a) The towns of Draper, Meadowbrook, Meteor, and Weirgor.
 - (b) The village of Exeland.
- (4) Taylor County. That part of Taylor County consisting of all of the following:
 - (a) The towns of Aurora, Browning, Chelsea, Cleveland, Deer Creek, Ford, Goodrich, Greenwood, Grover, Hammel, Holway, Jump River, Little Black, McKinley, Maplehurst, Medford, Molitor, Pershing, Rib Lake, Roosevelt, and Westboro.
 - (b) The villages of Gilman, Lublin, Rib Lake, and Stetsonville.
 - (c) The city of Medford.

Eighty-eighth assembly district. All of the following territory in Brown County constitutes the 88th assembly district: that part of the city of Green Bay comprising wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, and 36.

Eighty-ninth assembly district. All of the following territory constitutes the 89th assembly district:

- (1) Brown County. That part of Brown County consisting of all of the following:
 - (a) The town of Pittsfield.
 - (b) That part of the town of Suamico comprising wards 1, 2, 3, 4, 5, 6, 8, 9, and 10.
 - (c) That part of the village of Pulaski located in the county.
- (2) Marinette County. That part of Marinette County consisting of all of the following:
 - (a) The towns of Beaver, Grover, Peshtigo, and Pound.
 - (b) The villages of Coleman and Pound.

- (c) The cities of Marinette and Peshtigo.
- (3) Oconto County. That part of Oconto County consisting of all of the following:
 - (a) The towns of Chase, Lena, Little River, Little Suamico, Oconto, Pensaukee, and Stiles.
 - (b) The village of Lena.
 - (c) That part of the village of Pulaski located in the county.
 - (d) The city of Conto.
- (4) Shawano County. That part of Shawano County consisting of that part of the village of Pulaski located in the county.

Ninetieth assembly district. All of the following territory in Brown County constitutes the 90th assembly district:

- (1) That part of the town of Suamico comprising ward 7.
- (2) That part of the village of Howard located in the county.
- (3) That part of the city of Green Bay comprising wards 25, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 41, 42, 43, 44, and 45.

Ninety-first assembly district. All of the following territory constitutes the 91st assembly district:

- (1) Whole counties. Buffalo County and Trempealeau County.
- (2) Jackson County. That part of Jackson County consisting of all of the following:
 - *29** (a) The town of Springfield.
 - (b) The village of Taylor.
- (3) Pepin County. That part of Pepin County consisting of all of the following:
 - (a) The towns of Durand, Frankfort, Pepin, Stockholm, Waterville, and Waubeek.
 - (b) The villages of Pepin and Stockholm.
 - (c) The city of Durand.

(4) Pierce County. That part of Pierce County consisting of all of the following:

(a) The towns of Ellsworth, El Paso, Hartland, Isabelle, Maiden Rock, Martell, Salem, and Union.

(b) The villages of Bay City, Maiden Rock, and Plum City.

Ninety-second assembly district. All of the following territory constitutes the 92nd assembly district:

(1) Clark County. That part of Clark County consisting of the towns of Dewhurst and Levis.

(2) Eau Claire County. That part of Eau Claire County consisting of all of the following:

(a) The towns of Bridge Creek and Fairchild.

(b) The village of Fairchild.

(c) The city of Augusta.

(3) Jackson County. That part of Jackson County consisting of all of the following:

(a) The towns of Adams, Albion, Alma, Bear Bluff, Brockway, City Point, Cleveland, Curran, Franklin, Garden Valley, Garfield, Hixton, Irving, Knapp, Komensky, Manchester, Melrose, Millston, North Bend, and North field.

(b) The villages of Alma Center, Hixton, Melrose, and Merrill an.

(c) The city of Black River Falls.

(4) Monroe County. That part of Monroe County consisting of all of the following:

(a) The towns of Adrian, Angelo, Byron, Grant, Greenfield, Lafayette, La Grange, Lincoln, Little Falls, New Lyme, Oakdale, Scott, Sparta, and Tomah.

(b) The villages of Oakdale, Warrens, and Wyeville.

(c) The cities of Sparta and Tomah.

Ninety-third assembly district. All of the following territory constitutes the 93rd assembly district:

(1) Dunn County. That part of Dunn County consisting of the towns of Dunn, Eau Galle, Peru, Rock Creek, and Weston.

(2) Eau Claire County. That part of Eau Claire County consisting of all of the following:

(a) The towns of Brunswick, Clear Creek, Drammen, Otter Creek, and Pleasant Valley.

(b) That part of the town of Washington comprising wards 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, and 12.

(c) That part of the city of Altoona comprising wards 1, 2, 3, 4, 5, 6, 7, 9, 10, and 11.

(d) That part of the city of Eau Claire comprising wards 2, 3, 4, 5, 6, 15, 17, 18, 20, 21, 25, 26, 27, 28, 30, 31, 32, 33, 38, and 39.

(3) Pepin County. That part of Pepin County consisting of the towns of Albany and Lima.

(4) Pierce County. That part of Pierce County consisting of the town of Rock Elm.

Ninety-fourth assembly district. All of the following territory constitutes the 94th assembly district:

(1) La Crosse County. That part of La Crosse County consisting of all of the following:

(a) The towns of Bangor, Barre, Burns, Campbell, Farmington, Greenfield, Hamilton, Holland, Medary, Onalaska, and Washington.

***30** (b) That part of the town of Shelby comprising wards 2 and 3.

(c) The villages of Bangor, Holmen, and West Salem.

(d) That part of the village of Rockland located in the county.

(e) The city of Onalaska.

(2) Monroe County. That part of Monroe County consisting of all of the following:

(a) The towns of Leon and Portland.

(b) The village of Melvin.

- (c) That part of the village of Rockland located in the county.

Ninety-fifth assembly district. All of the following territory in La Crosse County constitutes the 95th assembly district:

- (1) That part of the town of Shelby comprising wards 1, 4, 5, and 6.
- (2) The city of La Crosse.

Ninety-sixth assembly district. All of the following territory constitutes the 96th assembly district:

- (1) Whole counties. Crawford County and Vernon County.
- (2) Monroe County. That part of Monroe County consisting of all of the following:
- (a) The towns of Jefferson, Ridgeville, Sheldon, Wellington, Wells, and Wilton.
- (b) The villages of Cashton, Norwalk, and Wilton.
- (3) Richland County. That part of Richland County consisting of all of the following:
- (a) The towns of Akan, Bloom, Forest, Henrietta, and Sylvan.
- (b) The village of Yuba.
- (c) That part of the village of Viola located in the county.

Ninety-seventh assembly district. All of the following territory in Waukesha County constitutes the 97th assembly district:

- (1) That part of the town of Waukesha comprising wards 1, 2, 4, and 5.
- (2) That part of the city of Waukesha comprising wards 1, 2, 3, 4, 5, 6, 7, 9, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 38.

Ninety-eighth assembly district. All of the following territory in Waukesha County constitutes the 98th assembly district:

- (1) The town of Brookfield.
- (2) That part of the town of Lisbon comprising wards 4, 5, 6, and 7.

- (3) The village of Pewaukee.

- (4) That part of the village of Sussex comprising ward 12.

- (5) That part of the city of Brookfield comprising wards 4, 5, 6, 8, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, and 22.

- (6) That part of the city of Pewaukee comprising wards 1, 2, 3, 4, 5, 6, 8, 9, and 10.

Ninety-ninth assembly district. All of the following territory constitutes the 99th assembly district:

- (1) Dodge County. That part of Dodge County consisting of that part of the city of Hartford located in the county.
- (2) Washington County. That part of Washington County consisting of all of the following:
- (a) The town of Erin.
- (b) That part of the town of Hartford comprising wards 1, 2, 3, 4, and 6.
- (c) That part of the town of Polk comprising ward 5.
- (d) That part of the town of Richfield comprising wards 1, 2, 3, 4, 5, 9, and 10.
- (e) That part of the city of Hartford located in the county.
- (3) Waukesha County. That part of Waukesha County consisting of all of the following:

***31** (a) The town of Merton.

- (b) That part of the town of Lisbon comprising wards 1, 2, 3, 8, 9, 10, 11, and 12.

- (c) The villages of Lannon and Merton.

- (d) That part of the village of Menominee Falls comprising wards 18, 24, 25, 26, and 27.

- (e) That part of the village of Sussex comprising wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11.

All Citations

Not Reported in F.Supp.2d, 2002 WL 34127471

Footnotes

- 1 The complaint also sought reapportionment of Wisconsin's congressional districts, as the 2000 census resulted in Wisconsin losing one of its nine seats in congress. However, during the pendency of this case, the Wisconsin Legislature passed, and Governor Scott McCallum signed, a bill reapportioning the congressional districts, and the congressional portion of this case became moot on April 11, 2002 (the day on which the trial in the state legislative portion of this case began).
- 2 Case No. 01–C–0121 was randomly assigned to Senior District Judge John W. Reynolds. Pursuant to [28 U.S.C. § 2284](#), Chief Judge Flaum named Circuit Judge Frank H. Easterbrook and Chief District Judge J.P. Stadtmueller to a three-judge panel to hear the case. The case was subsequently reassigned, pursuant to General L.R. 3.1, to District Judge C.N. Clevert.
- 3 In contrast, Congressional redistricting may create a much more rigorous standard for “de minimis” population deviations. See *Vieth v. Pennsylvania*, No. 1:CV–01–2439, 2002 U.S. Dist. LEXIS 6188 at *15 (M.D. Penn. April 8, 2002) (finding plan creating Congressional districts unconstitutional because the most- and least-populous districts differed in population by nineteen persons.)
- 4 The *Prosser* Court noted that the parties refer to both the maximum deviation, which is the difference in population between the least and the most populous district divided by the mean population of all districts, as well as the average by which the districts deviate from the average population.
- 5 The population shifts in the area necessitated the elimination of one assembly district in Milwaukee County and the creation of one assembly district in the high-growth area west of the county.
- 6 The court's plan is also superior to all plans submitted by amici with respect to the traditional redistricting criteria.