

# **A Blueprint for Independent Redistricting in Wisconsin**

**Dr. Matthew Petering  
Associate Professor of Industrial & Manufacturing Engineering  
University of Wisconsin-Milwaukee  
Owner, District Solutions LLC  
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## Summary

The time has come for Wisconsin to move beyond outdated redistricting models—in which political insiders rig maps in favor of political parties and/or incumbents—and embrace independent redistricting. *But independent redistricting alone does not guarantee a fair map.* In fact, none of the independent redistricting models currently being used—Alaska, Arizona, California, Colorado, Idaho, Iowa, Michigan, Montana, New York, Virginia, and Washington—guarantee the adoption of a fair map. Hence, the protocols and mapping criteria for any new redistricting process must be carefully worded to ensure that the process results in a fair map.

This document contains my recommendations for establishing a Wisconsin Independent Redistricting Commission (IRC) which will *virtually guarantee the adoption of a fair map.* These recommendations—which are a synthesis of (i) my own ideas and experiences as a redistricting consultant, (ii) wording in the Michigan Constitution, and (iii) wording shared by the Wisconsin Fair Maps Coalition in a June 28, 2025 public meeting—also maximize public transparency while giving commissioners independent authority to select the final map.

My key recommendations for the **IRC's mapping criteria** are as follows:

- The relative importance of different mapping criteria should be *explicitly quantified*.
- Partisan fairness should have a higher priority than all other mapping criteria except strict legal requirements.
- Instead of not being allowed to use political data, mapmakers should be required to use political data, including recent election results, to ensure that maps are politically fair.
- Preserving communities of interest (COIs) is a thorny issue because (i) many different kinds of COIs exist, (ii) COIs may be subjective and lack clear boundaries, (iii) COIs may overlap in complex ways, and (iv) there is no fair way to decide which COIs are worthier than others. Thus, preserving COIs should have the lowest priority among the criteria.

My key recommendations for the **IRC's duties and timeline** are as follows:

- The IRC's main purpose should not be to develop map proposals but rather to decide which proposal, among those submitted online by the general public, is adopted.
- The mapmaking process should begin with the public. Members of the public should be invited to submit map proposals online until at least 100 proposals are received.
- Hired experts should help commissioners narrow down the set of submitted proposals to a group of five *finalists* that have the best scores for objective, quantifiable criteria and also satisfy strict legal requirements.
- Public input should be sought regarding the five finalists.
- Commissioners should use a modified version of ranked-choice voting to adopt one of the five finalists as Wisconsin's new district map.

My detailed recommendations occupy the pages that follow.

## **Recommended Wording for Wisconsin Independent Redistricting Commission (IRC) Mapping Criteria**

The IRC shall abide by the following criteria in evaluating and adopting each kind of district plan—congressional and state legislative—with the criteria prioritized into four tiers\* as follows:

Tier 1 criteria:

Districts must meet legal requirements related to population equality, the federal Voting Rights Act, the Equal Protection Clause of the U.S. Constitution, district numbering and nesting (when applicable), and geographic contiguity.

Tier 2 criteria:

Districts shall not privilege one political party over another. A strong preference will be given to maps that perform the best for accepted measures of partisan fairness. Hence, mapmakers are encouraged to use political data, including recent election results at the ward level, when forming districts.

Tier 3 criteria:

Districts shall be reasonably compact, competitive, and shall reflect consideration of county, municipality, and ward boundaries. Districts shall not be drawn to favor or disfavor a particular incumbent elected official or candidate.

Tier 4 criteria:

Districts shall reflect the state's diverse population and communities of interest. Communities of interest include, but shall not be limited to, populations that share cultural or historical characteristics or economic interests. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

\* Tier 1 has strict priority over the other tiers. Any map proposal that does not meet the strict legal requirements in tier 1 will be eliminated from consideration. The priorities among tiers 2-4 are significant but not strict. Roughly speaking, tier 2 is five times more important than tier 3, and tier 3 is ten times more important than tier 4. For example, everything else equal, when comparing two map proposals the IRC will accept a 1% reduction in performance for the tier 2 criteria if it is accompanied by a 5% or greater improvement in performance for the tier 3 criteria. It will also accept a 1% reduction in performance for tier 3 if it is accompanied by a 10% or greater improvement in performance for tier 4. And it will accept a 1% reduction for tier 2 if it is accompanied by a 50% or greater improvement for tier 4. However, the IRC will not accept reductions in performance at higher tiers if they are accompanied by improvements in performance at lower tiers that are smaller than those stated above.

## **Recommended Wording for Wisconsin Independent Redistricting Commission (IRC) Duties and Timeline**

The IRC will have 15 members: five affiliated with major party #1, five affiliated with major party #2, and five who are not affiliated with any political party.

After its formation, the 15-member IRC shall undertake the following main tasks.

1. Hold initial public hearings and publish an initial report.
2. Gather map proposals (i.e., “proposals”) from the public, hired experts, and commissioners.
3. Identify a group of five “finalist” proposals for each kind of district plan—congressional and state legislative (i.e., “legislative”)—and publish a second report informing the public about them.
4. Hold a second series of public hearings to get feedback about the “finalist” proposals and publish a third report.
5. Vote to adopt an official congressional and legislative district plan from each group of finalists.

These tasks are explained in more detail below.

- 1) The purpose of the initial public hearings is to (i) inform the public about the redistricting process and the purpose and responsibilities of the IRC; (ii) inform the public of the existence of an online portal where any Wisconsin resident can submit a map proposal; and (iii) solicit information from the public including, but not limited to, local knowledge of communities of interest and other details.
  - a) The IRC shall hold a minimum of one hearing in each of Wisconsin’s congressional districts. A virtual option shall be made available for each hearing. Public hearing notification shall be in accordance with notification requirements for the legislative process per Wisconsin Statute 227.17.
  - b) After the initial public hearings, the IRC shall publish an initial report in a timely manner summarizing the information received during the public hearings. It shall later consider this information when voting on map proposals, acknowledging that it is highly unlikely that any map proposal will satisfy every member of the public.
- 2) Creating a map proposal is an enormously complex endeavor owing to the trillions upon trillions of ways that Wisconsin’s (roughly) 200,000 census blocks can be combined to form election districts and the numerous competing criteria by which maps are evaluated and compared.\*\* Thus, commissioners are not expected to be skilled mapmakers, and the IRC is not expected to engage in detailed, collective mapmaking during its meetings as this would likely be a protracted process lasting several months that might result in only one map proposal of mediocre quality.

Instead, the IRC shall rely on Wisconsin residents, hired experts, and individual commissioners to draft map proposals outside of regularly held meeting times. These people shall upload their map proposals to the online map submission portal during a pre-specified, one-month-long submission

window. Each legal entity in Wisconsin (individual, nonprofit organization, etc.) may submit up to two proposals for each kind of district plan: congressional and legislative.

When the map submission window expires, the IRC shall count the number of complete proposals of each kind that have been submitted. If fewer than 100 complete proposals (of either kind) have been received, the map submission window will be extended by one week at a time until at least 100 complete map proposals of each kind are received or the total duration of the map submission window exceeds two months. (A complete proposal is one in which all non-water Wisconsin census blocks are assigned to districts.)

All map proposals submitted to the online portal shall remain confidential until the map submission window finally expires. When the map submission window finally expires, full details of all map proposals, and any supporting materials provided by the submitter, become public records.

- 3) After the IRC has gathered all complete map proposals, hired experts shall help the IRC evaluate the proposals according to objective, quantitative mapping criteria.\*\* The evaluation of proposals shall take place in two phases

In phase one, hired experts shall help the IRC determine if there are at least five map proposals of each kind—congressional and legislative—that satisfy strict legal requirements (i.e., the tier 1 mapping criteria\*\*). If fewer than five map proposals satisfy strict legal requirements, hired experts shall spend up to two weeks drafting additional map proposals until the total number of proposals satisfying strict legal requirements equals five.

In phase two, hired experts shall help the IRC (i) evaluate each proposal’s performance for the tier 2, 3, and 4 mapping criteria\*\* and (ii) identify a group of five “finalist” proposals for each kind of district plan: congressional and legislative. In general, the five finalists will be those with the best numerical scores for the tier 2, 3, and 4 mapping criteria that also satisfy the strict legal requirements in tier 1.\*\* Details are below.

The IRC, aided by hired experts, shall first score each map proposal for each mapping criterion in each tier: 2, 3, and 4.\*\* Each such score shall be called an “individual penalty score” and shall represent a proposal’s undesirability regarding a specific mapping criterion. All individual penalty scores shall be normalized to a 0-100 scale with 0 being best possible and 100 being worst possible. The IRC shall then aggregate the individual penalty scores within each tier into a “combined penalty score” for the tier as a whole which ranges from 0 to 100. It shall then aggregate the combined penalty scores into a “total penalty score” for each proposal using the following formula:

$$\text{Total penalty score} = 50 \times (\text{combined penalty score for tier 2 criteria}) + 10 \times (\text{combined penalty score for tier 3 criteria}) + 1 \times (\text{combined penalty score for tier 4 criteria}).$$

Among the proposals that meet the strict legal requirements in tier 1\*\*, the five proposals with the lowest total penalty scores shall be selected as the five finalists for each kind of district plan.\*\*\* After identifying the five finalists for each kind of district plan—congressional and legislative—the IRC shall publish a second report that (i) identifies the finalists, (ii) presents their underlying data, (iii)

shares the detailed performance of *all* submitted proposals, and (iv) shares the process by which the five finalists were identified/selected.

- 4) After publishing the second report, the IRC shall hold a second series of public hearings, with at least one hearing in each of Wisconsin's congressional districts. A virtual option shall be made available for each hearing. The purpose of each hearing is to solicit comments from the public about the five finalists for each kind of district plan.

After the second series of public hearings, the IRC shall publish, in a timely manner, a third report which summarizes the information received during the hearings. Commissioners shall later consider this information when voting on map proposals, acknowledging that it is highly unlikely that any map proposal will satisfy every member of the public.

- 5) The IRC shall use the following procedure to adopt an official district plan from the five finalists for each kind of plan—congressional and legislative.
  - a) Each commissioner shall rank the five finalists according to preference. Each finalist shall be assigned a point value inverse to its ranking among the five choices, giving the lowest-ranked finalist one point and the highest-ranked finalist five points.
  - b) Finalists that have at least one commissioner affiliated with major party #1, one commissioner affiliated with major party #2, and two non-affiliated commissioners rank it among the top two finalists are called “preferred finalists.” If there are one or more preferred finalists, the commission shall adopt one of them as follows:
    - i) The commission shall adopt the preferred finalist that receives the most total points.
    - ii) If multiple preferred finalists are tied for the highest point total, the commission shall adopt the one that is ranked among the top two finalists by the greatest number of commissioners.
    - iii) If multiple preferred finalists are tied for both the highest point total and the number of commissioners who rank it among the top two finalists, the commission shall randomly adopt one of them based on a coin flip or die roll made by the lead commissioner.
  - c) If there are no preferred finalists (i.e., if no finalist is ranked among the top two finalists by at least one commissioner affiliated with major party #1, one commissioner affiliated with major party #2, and two non-affiliated commissioners), the commission shall adopt one of the five finalists as follows:
    - i) The commission shall adopt the finalist that receives the most total points.
    - ii) If multiple finalists are tied for the highest point total, the commission shall adopt the one that is ranked among the top two finalists by the greatest number of commissioners.
    - iii) If multiple finalists are tied for both the highest point total and the number of commissioners who rank it among the top two finalists, the commission shall randomly adopt one of them based on a coin flip or die roll made by the lead commissioner.

\*\* See the section “Recommended Wording for Wisconsin IRC Mapping Criteria” for a list of tiered criteria that the IRC will consider when evaluating map proposals.

\*\*\* The only exception to this rule is that a proposal whose district boundaries are very similar to another, better-performing proposal is not allowed to be one of the five finalists.