



Fact Sheet: *Gill v. Whitford*

In 2012, Wisconsin State Assembly Republicans drew Assembly districts in secret with no input from Democratic members or the public. The Campaign Legal Center (CLC) challenged the map as a partisan gerrymander in violation of the First and Fourteenth Amendments to the Constitution.

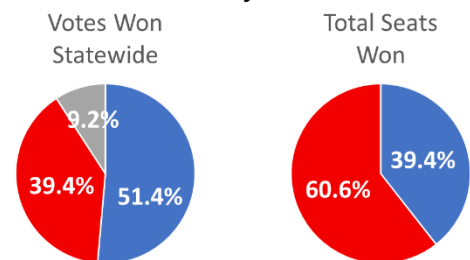
The plaintiffs presented as evidence a new mathematical method to measure partisan gerrymandering called the “efficiency gap.” The efficiency gap measures the “packing” and “cracking” of each party’s voters and allows maps from different states and decades to be easily compared for partisan fairness.

THE ISSUE

Wisconsinites should have the right to choose their representatives. Partisan gerrymandering undermines our democracy.

- In 2012, Democrats received a majority of the statewide vote (51.4%) but obtained only 39.4% of the seats in the Assembly.
- In 2014, the Democrats garnered 48% of the vote and won only 36 seats—or 36.4% of Assembly seats.
- Experts state that Democrats would be unlikely to win a majority of seats with even 54% of the vote.
- Wisconsin Republicans’ redistricting consultant explained in a *Gill* Supreme Court amicus brief how modern technology can be used to craft extremely sophisticated political gerrymanders.

2012 State Assembly Race in Wisconsin



“We leave for another day consideration of other possible theories of harm not presented here and whether those theories might present justiciable claims giving rise to statewide remedies.”

- Chief Justice John Roberts. *Gill v. Whitford* opinion, June 18, 2018.

THE CASE

On June 18, 2018, the Supreme Court remanded the case back to the Wisconsin trial court.

- In 2016, a three-judge trial court struck down the Wisconsin Assembly map in the first-ever federal court ruling that a single-member map is an unconstitutional partisan gerrymander.
- The U.S. Supreme Court heard Wisconsin’s appeal of the decision and, on June 18, 2018, remanded the case back to the trial court. The Justices ruled that the plaintiffs must demonstrate standing to sue, a procedural issue that does not address gerrymandering’s constitutionality.
- Common Cause worked on amicus briefs with the Brennan Center for Justice to organize states, cities, bipartisan current and former elected officials, academics, civil rights and good government organizations, and others to speak with one voice against the manipulation of legislative districts for political advantage.
- Although a loss on standing often ends a case, the Supreme Court recognized the importance of addressing partisan gerrymandering and invited the plaintiffs to relitigate their case in the trial court.