

# Election Law and Redistricting Practice Secures Major Victories in Wisconsin, New York

## News

December 22, 2023

Jenner & Block's Election Law and Redistricting Practice secured two major victories in the highest courts of New York and Wisconsin this month. In both matters, judges ordered that new electoral maps be drawn in time for the 2024 elections.

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On December 22 in Wisconsin, the state Supreme Court ruled 4-3 that at least 50 of the 99 state Assembly districts and 20 of the 33 state Senate districts violate a mandate in the Wisconsin Constitution because the districts are not contiguous.

Justice Jill Karofsky wrote for the majority saying, "We hold that the contiguity requirements...mean what they say: Wisconsin's state legislative districts must be composed of physically adjoining territory. The constitutional text and our precedent support this common-sense interpretation of contiguity."

Partner Sam Hirsch argued on behalf of Atkinson intervenor-petitioners and said, "We're gratified that the court agreed that the Senate and Assembly maps violate the Wisconsin Constitution. We look forward to working through the remedial process to ensure that Wisconsinites can have fair representation in the state legislature for the first time in more than a decade." His argument is featured in a podcast called *Strict Scrutiny* at 1:04:57.

In addition to Sam, the Wisconsin team includes Associates Liz Deutsch, Arjun Ramamurti, Sophia Cai, Sophia Montgomery, and Maria LaBella, Senior Paralegal Cheryl Olson, and Paralegal Adam Weidman.

In New York, the Court of Appeals sided with three clients who belong to the state's Independent Redistricting Commission (IRC) and ruled that the IRC should fulfil its constitutionally mandated duty. In its opinion on December 12, the four-judge majority held that the IRC should submit to the legislature a new congressional redistricting plan by February 28, 2024.

Partner Jessie Amunson argued the case on behalf of IRC Chairperson Ken Jenkins and Commissioners Frazier and Cuevas-Molina. In a statement, she said: “This decision aligns with the wishes of New Yorkers who voted almost 10 years ago for the specific mechanism to provide fair maps: the Independent Redistricting Commission. We are delighted the IRC can now fulfill their constitutionally mandated role of presenting the legislature with proposed congressional districts before the next election cycle.”

In affirming the Third Department’s decision, Judge Wilson wrote that the state’s Constitution explicitly places a limitation on court-created maps. “The Constitution clearly establishes the IRC process as predominant over court-drawn districts,” he explained.

In addition to Jessie, the New York team included Partners Sam Hirsch and Jake Alderdice, Associate Allison Douglis, Manager of Docketing Services Na'eem Conway, Senior Paralegal Cheryl Olson, and Legal Assistant Sheree Anyiam.

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