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DATE: June 18, 2018

TO: Wisconsin County Clerks
Wisconsin Municipal Clerks
Milwaukee County Election Commission
City of Milwaukee Election Commission

FROM: Meagan Wolfe
Interim Administrator

Michael Haas
Staff Counsel

SUBJECT: U.S. Supreme Court Decision in *Gill v. Whitford* Retains Legislative District Boundaries

This morning the United States Supreme Court issued a decision in the case of Gill, et al. v. Whitford et al., which involved a request of several individual Wisconsin voters to declare current legislative boundaries unconstitutional and to require the establishment of new district boundaries for legislative elections. The Supreme Court determined that the plaintiffs who had initiated the lawsuit had failed to demonstrate that they had sufficient legal standing to pursue a challenge to the legislative boundaries statewide. This decision confirms that the current legislative districts will continue to be used for the 2018 fall elections. A copy of the decision, which is 41 pages long, including two concurring opinions, is attached.

The Supreme Court remanded the case back to the federal District Court to give the plaintiffs an opportunity to prove that they suffered concrete and particularized injuries using evidence that would tend to demonstrate a burden on their individual votes. Because the Court found that the plaintiffs had not demonstrated that they had sufficient legal standing, the Court did not analyze the plaintiffs' substantive claims that the current legislative districts were the result of unconstitutional partisan gerrymandering. That issue will be addressed only in the event that the District Court subsequently determines that the plaintiffs have proven that they possess the required legal standing to proceed.

Again, this decision results in no changes to the administration of the 2018 fall elections. Commission staff will provide any updates if there are any developments in this case that will affect the administration of future elections. If you have any questions regarding this matter, please contact the Help Desk at 608-261-2028 or elections@wi.gov.