



State of Wisconsin
2001 - 2002 LEGISLATURE

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2001 SENATE BILL 63

February 26, 2001 - Introduced by COMMITTEE ON SENATE ORGANIZATION. Referred to Committee on Senate Organization.

1 **AN ACT** *to repeal* 5.15 (2) (e), 5.15 (2) (f), 5.15 (5), 62.08 (2), 66.0217 (13) and
2 66.0227 (6); *to renumber and amend* 5.15 (2) (d) and 59.10 (3) (c); *to amend*
3 5.15 (1) (a), 5.15 (1) (b), 5.15 (1) (c), 5.15 (2) (b) 1., 5.15 (2) (b) 2., 5.15 (2) (b) 3.,
4 5.15 (2) (b) 4., 5.15 (2) (bm), 5.15 (2) (cm), 5.15 (2) (g), 5.15 (4) (a), 5.15 (4) (b),
5 5.15 (6) (a), 5.15 (7), 5.15 (8), 59.10 (2) (a), 59.10 (3) (b) 1., 59.10 (3) (b) 2., 59.10
6 (3) (b) 4., 59.10 (6), 62.08 (1), 66.0217 (9) (a), 66.0217 (9) (b), 66.0221, 66.0223
7 and 119.08 (1) (b); and *to create* 5.15 (2) (b) (intro.), 5.15 (2) (ce), 5.15 (2) (d) 1.
8 to 5., 5.15 (2) (fm), 5.15 (4) (c), 20.510 (1) (kb), 59.10 (3) (b) 2m., 59.10 (3) (c) 2.
9 and 66.0217 (9) (d) of the statutes; **relating to:** division of municipalities into
10 wards; redistricting of supervisory and aldermanic districts; election districts
11 in 1st class city school systems; recording of certain municipal annexations; the

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1 effective date of certain annexation and detachment actions; and making an
2 appropriation.

Analysis by the Legislative Reference Bureau

This bill makes various changes in the laws relating to municipal wards, county supervisory districts, city aldermanic districts, election districts in first class city school systems, and municipal annexations and detachments.

Municipal ward plan revisions

Currently, under the state constitution, the legislature is directed to redistrict legislative districts according to the number of inhabitants at its next session following each federal census. At the same intervals, the legislature also reapportions congressional districts in this state pursuant to federal law. Under current state law, following each decennial federal census, most municipalities are also required to divide their territory into wards, and counties and cities are required to redistrict supervisory and aldermanic districts so that the districts contain, as nearly as practicable, an equal number of inhabitants according to the census results. With limited exceptions, wards are required to consist of one or more whole, contiguous census blocks (the smallest geographic units for which census results are available). Counties and municipalities are required to complete this action in three steps, which in no case may conclude later than 180 days after publication of the census results (usually by October of the year following the year of the census). If counties or municipalities fail to adopt division plans, the courts may do so upon petition by interested parties. Revised supervisory and aldermanic district plans are used to elect members of county boards of supervisors and common councils in the spring of the second year following the year of the census. The legislative and congressional redistricting plans are used to elect members of the legislature and members of congress in the fall of the second year following the year of the census. Currently, the legislature may adjust the boundaries of a municipal ward and use the revised ward boundaries to create a legislative or congressional district.

This bill amends various laws to facilitate the legislative and congressional redistricting process and directs counties and municipalities to revise their ward and districting plans to reflect any legislative act establishing a legislative or congressional district boundary that does not coincide with a ward or municipal boundary.

County supervisory district plans

Currently, within 60 days after publication of the federal decennial census results, each county must adopt a tentative county supervisory district plan. Each municipality must adopt a decennial ward plan, if it is required to have wards, within 60 days after adoption of a tentative county supervisory district plan by the county or counties in which the municipality is located, and each county then must adopt

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a final supervisory district plan within 60 days after every municipality in the county adopts a decennial ward plan, if it is required to do so.

Currently, each tentative county supervisory district plan must include suggested boundaries or information concerning the number of supervisors to be elected and a description of boundary requirements. This bill provides for the tentative plan to include specific boundaries for each proposed supervisory district. The bill also provides that, except in counties having a population of 500,000 or more, the county board must attempt to incorporate suggestions received from municipalities into the tentative plan, to the extent feasible. The bill also provides that a final county supervisory district plan must not be inconsistent with the tentative plan except to reflect an authorized change made by a municipality in a municipal ward division or to reflect an official correction to the census.

Accommodation of county requirements

Currently, each municipality must make a good faith effort to accommodate the tentative plan submitted by the county or counties in which it is located in adopting its decennial ward plan. This bill requires that each municipality establish wards that will permit creation of county supervisory districts in accordance with each tentative plan unless the tentative plan would: 1) unduly dilute the voting strength of a racial or language minority group; 2) require the creation of a ward composed of noncontiguous territory, with limited exceptions; 3) require the creation of a ward composed of territory that is not as compact as practicable; 4) unduly bifurcate a manifest social, economic, or political community of interest; or 5) require the creation of a ward that would unduly favor a particular person or political party.

Minimum populations for wards

Currently, a municipality having a population of less than 10,000 may create a ward with no fewer than 300 inhabitants. A municipality having a population of at least 10,000 but less than 39,000 may create a ward with no fewer than 600 inhabitants. A municipality having a population of at least 39,000 but less than 150,000 may create a ward with no fewer than 800 inhabitants. Every other municipality may create a ward with no fewer than 1,000 inhabitants.

This bill eliminates these minimum ward population requirements.

Creation of wards that subdivide blocks

Under current law, with certain limited exceptions, municipal wards must consist of whole census blocks. Currently, an institution such as a prison or center for the developmentally disabled may itself be a whole census block. In this case, unless one of the limited exceptions applies, the entire institution must be included in a single municipal ward, even if all or most of the residents of the institution are not eligible to vote in an election. The district in which such an institution is located may, as a result, have a significantly lower voting population than the other districts within the municipality in which the district is located.

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This bill creates a new exception authorizing a municipality, in creating wards, to subdivide any census block containing a state or federal institution that is used to confine felons or that is a state center for the developmentally disabled.

Annexations

Current law requires an annexation ordinance to include certain information, such as a description of the annexed territory. In addition, under current law, the clerk of any city or village that annexes territory must immediately file with the secretary of state a certified copy of the annexation ordinance, along with a plat showing the annexed area. However, failure to make this required filing does not invalidate an annexation ordinance.

Under this bill, every annexation ordinance must also identify the census block number or numbers of the annexed territory and each municipality from which the territory was detached. In addition, this bill provides that an annexation of territory by a city or village that establishes a municipal boundary that subdivides a census block is invalid until the city or village furnishes to the secretary of state a certified copy of the annexation ordinance, a plat showing the annexed area, and an estimate of the population of the area according to the most recent federal decennial census.

Filing of copies of municipal ward plans

Currently, within five days after adoption of a decennial ward plan, each municipality is required to transmit a copy of the plan to the county clerk or board of election commissioners of each county in which the municipality is located. If the population of the municipality exceeds 10,000, the municipality is required to send a copy to the legislative reference bureau.

Under this bill, a municipality need only file a ward plan with the county clerk or board of election commissioners and the county clerk or board of election commissioners must send to the legislative reference bureau a copy of the ward plan no later than ten days after receipt. The legislative reference bureau must then provide copies of each ward plan to the elections board. The bill clarifies that copies may be filed in either electronic or paper format. In addition, the bill provides that, if any municipality or county fails to file a ward plan within the time prescribed by law, the municipality or county is liable to the elections board, the legislature and the legislative service agencies for additional costs incurred in recording ward data as a result of the delay.

Filing of final county supervisory district plans

Currently, the chairperson of each county board of supervisors must file with the secretary of state a copy of the final county supervisory district plan. This bill requires the secretary of state to forward a copy of the supervisory district plan to the legislative reference bureau and requires the legislative reference bureau to forward a copy to the elections board. The bill also clarifies that copies may be filed in either electronic or paper format.

SENATE BILL 63***Time schedule for establishing election districts in 1st class city school systems***

Currently, within 60 days after a first class city (currently, only Milwaukee) adopts an aldermanic district plan, the board of school directors of the city must adopt an election district plan. Under this bill, a first class city board of school directors must adopt an election district plan within 60 days after adoption of a decennial ward plan rather than an aldermanic district plan.

Town ward numbering

Currently, when a town is divided into wards, the annual town meeting and special town elections must be held in the first ward. The bill deletes that requirement.

Incorporation of census corrections

Currently, decennial ward plans, as well as decennial county supervisory and city aldermanic district plans, are based on the federal decennial census. The statutes do not treat the issue of corrections issued by the U.S. bureau of the census. Under this bill, ward plans and aldermanic district plans must reflect the census results, including any corrections, for the populations of counties, municipalities, and census blocks on April 1 of the year of the census, if corrections are issued prior to adoption of a decennial ward plan, or, in the case of a municipality that is affected by a correction but is not divided into wards, if the corrections are issued prior to adoption of a county supervisory district plan. Under the bill, an official correction does not include the substitution of an estimate for an actual population count.

Territory included within ward plans

Currently, each municipality's decennial ward plan must include all territory within the municipality on August 1 of the year following the federal decennial census. This bill instead provides that each plan must include all territory within the municipality on the date of adoption of a tentative supervisory district plan by the county in which the territory is located.

Effective date of certain annexation or detachment actions

Currently, during the period from April 1 to June 30 of the year following a federal decennial census, if a city or village takes an annexation or detachment action affecting land that is the subject of certain ordinances or resolutions expressing the city's or village's intent not to annex or detach territory, the annexation or detachment is effective on July 1 of that year or at such later date as may be specified in the ordinance or resolution. The bill repeals that provision.

The bill also makes other minor technical changes in the law to facilitate the decennial ward plan adoption and legislative, county, and municipal redistricting process.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 5.15 (1) (a) of the statutes is amended to read:

2 5.15 (1) (a) Every city, village and town in this state shall by ordinance or
3 resolution of its common council or village or town board, respectively, be divided into
4 wards as provided in this section, except as authorized in sub. (2). The boundaries
5 of the wards established under this section, and the number assigned to each ward,
6 are intended to be as permanent as possible, and to this end each ward shall when
7 created contain a population at a convenient point within the applicable population
8 range limitation under sub. (2) (b), with due consideration for the known trends of
9 population increase or decrease within that part of the municipality in which the
10 ward is located. Once established, the boundaries of each ward shall remain
11 unchanged until a further decennial federal census of population indicates that the
12 population of a ward is then above ~~or below~~ the applicable population range
13 limitation or until the ward boundaries are required to be changed to permit creation
14 of supervisory or aldermanic districts of substantially equal population or to enhance
15 the participation of members of a racial or language minority group in the political
16 process and their ability to elect representatives of their choice, except as authorized
17 or required under this section. If the population of a ward has increased above the
18 ~~maximum of its applicable population range~~ limitation or if the population of a ward
19 must be decreased for a reason specified in this paragraph, the ward shall be divided
20 ~~into 2 or more wards~~ or the boundaries of the ward shall be changed in compliance
21 with sub. (2) (b). If ~~the population of a ward has decreased below the minimum of~~

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1 ~~its population range or~~ if the population of a ward must be increased for a reason
2 specified in this paragraph, whenever possible, the ward shall, ~~if possible~~, be
3 combined with an adjoining ward, or the underpopulated ward and one adjoining
4 ward shall be combined and together subdivided into 2 or more wards in compliance
5 with sub. (2).

6 **SECTION 2.** 5.15 (1) (b) of the statutes is amended to read:

7 5.15 (1) (b) Except as authorized in sub. (2) (a), within 60 days after the receipt
8 of a tentative supervisory district plan ~~and written statement, if any~~, from the county
9 board of each county in which a municipality is located, the governing body of the
10 municipality shall adjust its wards according to the schedule shown in sub. (2). All
11 territory contained within the municipality, and only the territory so contained, on
12 ~~August 1 following the year of the federal decennial census~~ the date of adoption of
13 a tentative supervisory district plan under s. 59.10 (2) (a) or (3) (b) 1. by the county
14 in which the territory is located shall be contained within a ward established under
15 the division ordinance or resolution. Except as authorized in sub. (2), each ward shall
16 consist of whole blocks, as utilized by the U.S. bureau of the census in the most recent
17 federal decennial census of population. To suit the convenience of the voters residing
18 therein each ward shall, as far as practicable, be kept compact and observe the
19 community of interest of existing neighborhoods and other settlements. All territory
20 within a ward shall be contiguous, except for ~~island territory as defined in sub. (2)~~
21 ~~(f) 3.~~ surrounded by water or noncontiguous territory that is separated by the
22 territory of another municipality, by water, or by both from the major part of the
23 municipality to which the noncontiguous territory belongs. Enactment or adoption
24 of a division ordinance or resolution requires the affirmative vote of a majority of the
25 members of the governing body.

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1 **SECTION 3.** 5.15 (1) (c) of the statutes is amended to read:

2 5.15 (1) (c) The Unless adjusted under sub. (2) (fm), (6) (a), or (7) or unless a
3 division is required to effect an act of the legislature redistricting legislative districts
4 under article IV, section 3, of the constitution or redistricting congressional districts,
5 the wards established by municipal governing bodies in a division ordinance or
6 resolution enacted or adopted under this section on the basis of the published results
7 of each federal decennial census of population shall govern the adjustment of
8 supervisory districts under s. 59.10 (2) (a) and (3) (b) 2, and of aldermanic districts
9 under s. 62.08 (1) for the purpose of local elections beginning on January 1 of the 2nd
10 year commencing after the year of the census until revised under this section on the
11 basis of to correlate with the results of the next decennial census of population unless
12 adjusted under sub. (2) (f) 4., (6) (a) or (7), or unless adjusted, as a matter of statewide
13 concern, in the enactment of legislative districts under article IV, section 3, of the
14 constitution on the basis of the most recent decennial census of population. The
15 populations of wards under each decennial ward division shall be determined on the
16 basis of the federal decennial census of population and any official corrections to the
17 census issued on or before the date of adoption of the ward division to reflect the
18 correct populations of the municipality and the blocks within the municipality on
19 April 1 of the year of the census. In this paragraph, an official correction does not
20 include the substitution of an estimate for an actual population count.

21 **SECTION 4.** 5.15 (2) (b) (intro.) of the statutes is created to read:

22 5.15 (2) (b) (intro.) Except for wards created to reflect an act of the legislature
23 redistricting legislative districts under article IV, section 3, of the constitution or
24 redistricting congressional districts and except as authorized under pars. (c) and (fm)
25 and sub. (7), wards shall contain no more than the following numbers of inhabitants:

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1 **SECTION 5.** 5.15 (2) (b) 1. of the statutes is amended to read:

2 5.15 (2) (b) 1. In any city in which the population is at least 150,000, ~~each ward~~
3 ~~shall contain not less than 1,000 nor more than 4,000~~ inhabitants.

4 **SECTION 6.** 5.15 (2) (b) 2. of the statutes is amended to read:

5 5.15 (2) (b) 2. In any city in which the population is at least 39,000 but less than
6 150,000, ~~each ward shall contain not less than 800 nor more than 3,200~~ inhabitants.

7 **SECTION 7.** 5.15 (2) (b) 3. of the statutes is amended to read:

8 5.15 (2) (b) 3. In any city, village or town in which the population is at least
9 10,000 but less than 39,000, ~~each ward shall contain not less than 600 nor more than~~
10 2,100 inhabitants.

11 **SECTION 8.** 5.15 (2) (b) 4. of the statutes is amended to read:

12 5.15 (2) (b) 4. In any city, village or town in which the population is less than
13 10,000, ~~each ward shall contain not less than 300 nor more than 1,000~~ inhabitants.

14 **SECTION 9.** 5.15 (2) (bm) of the statutes is amended to read:

15 5.15 (2) (bm) Every city electing the members of its common council from
16 aldermanic districts shall assemble the blocks wholly or partially contained within
17 the city into wards that will enable the creation of aldermanic districts that are
18 substantially equal in population. If a block is partly contained within the city, the
19 city shall divide the block to form a ward containing the portion of the block that lies
20 within the city.

21 **SECTION 10.** 5.15 (2) (ce) of the statutes is created to read:

22 5.15 (2) (ce) If a block contains a facility that is owned or operated by this state
23 or by the federal government and that is used to confine persons convicted of felonies
24 or if a block contains a center for the developmentally disabled, the city, village, or
25 town may divide the block in assembling into wards.

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1 **SECTION 11.** 5.15 (2) (cm) of the statutes is amended to read:

2 5.15 (2) (cm) Any division of blocks under this section on the basis of population
3 shall be based on the best evidence available. In this paragraph, "best evidence"
4 includes, but is not limited to, the population of the block and other information
5 received from the U.S. bureau of the census and such data as number of housing
6 units, utility connections and vehicle registrations or a special census conducted
7 locally. ~~For~~ Except as provided in sub. (6) (a), for each ward so established, the
8 population estimate shall be correlated with the results of the most recent federal
9 decennial census of population, so that the total population reported for all wards in
10 the municipality agrees with the census results.

11 **SECTION 12.** 5.15 (2) (d) of the statutes is renumbered 5.15 (2) (d) (intro.) and
12 amended to read:

13 5.15 (2) (d) (intro.) Every municipality shall ~~make a good faith effort to~~
14 ~~accommodate the tentative plan submitted by the county or counties in which it is~~
15 ~~located under s. 59.10 (2) (a) or (3) (b) 1., and shall divide itself into wards~~ authorized
16 under par. (b) in such a manner that will permit the creation of county supervisory
17 districts in accordance with the population requirements for the plan specified in
18 tentative plan submitted by the county or counties in which it is located under s.
19 59.10 (2) (a) or (3) (b) 1. unless the tentative plan would:

20 **SECTION 13.** 5.15 (2) (d) 1. to 5. of the statutes are created to read:

21 5.15 (2) (d) 1. Unduly dilute the voting strength of a racial or language minority
22 group.

23 2. Require the creation of a ward composed of noncontiguous territory, except
24 territory that is separated from the municipality by another municipality or by
25 water, or both.

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1 3. Require the creation of a ward composed of territory that is not as compact
2 as practicable.

3 4. Unduly bifurcate a manifest social, economic, or political community of
4 interest.

5 5. Require the creation of a ward that would unduly favor a particular
6 individual or political party.

7 **SECTION 14.** 5.15 (2) (e) of the statutes is repealed.

8 **SECTION 15.** 5.15 (2) (f) of the statutes is repealed.

9 **SECTION 16.** 5.15 (2) (fm) of the statutes is created to read:

10 5.15 (2) (fm) If territory becomes a part of a city, village, or town after the date
11 on which the county in which the territory is located adopts a tentative supervisory
12 district plan under s. 59.10 (2) (a) or (3) (b) 1., the city, village, or town may designate
13 the territory as a separate ward or may add the territory to an existing ward until
14 the city, village, or town adopts a subsequent decennial ward plan, unless the
15 boundaries of the ward are adjusted to reflect an act of the legislature redistricting
16 legislative districts under article IV, section 3, of the constitution or redistricting
17 congressional districts.

18 **SECTION 17.** 5.15 (2) (g) of the statutes is amended to read:

19 5.15 (2) (g) If a block is affected by ~~an~~ a valid annexation or detachment which
20 establishes a municipal boundary that subdivides the block, the municipalities in
21 which the block is contained shall incorporate only the portion of the block contained
22 within their boundaries in their ~~ward plans~~ division ordinances or resolutions.

23 **SECTION 18.** 5.15 (4) (a) of the statutes is amended to read:

24 5.15 (4) (a) The division ordinance or resolution shall number all wards in the
25 municipality ~~in~~ with unique whole numbers in consecutive order, beginning with the

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1 number one, shall designate the polling place for each ward, and shall describe the
2 boundaries of each ward consistent with the conventions set forth in s. 4.003. The
3 ordinance or resolution shall be accompanied by a list of the block numbers used by
4 the U.S. bureau of the census that are wholly or partly contained within each ward,
5 with any block numbers partly contained within a ward identified, and a map of the
6 municipality which illustrates the revised ward boundaries. If the legislature, in an
7 act redistricting legislative districts under article IV, section 3, of the constitution,
8 or in redistricting congressional districts, establishes a district boundary that does
9 not coincide with the boundary of a ward established under an ordinance or
10 resolution, the municipal governing body shall, no later than May 15 of the 2nd year
11 following the year of the federal decennial census of population on which the act is
12 based, amend the ordinance or resolution to reflect the act. The amended ordinance
13 or resolution shall designate the polling place for any ward that is created to reflect
14 the legislative act.

15 **SECTION 19.** 5.15 (4) (b) of the statutes is amended to read:

16 5.15 (4) (b) Within 5 days after adoption or enactment of ~~an~~ a division ordinance
17 or resolution under this section or any amendment thereto, the municipal clerk shall
18 transmit file one copy of the ordinance or resolution to or the amendment with the
19 county clerk of each county in which the municipality is ~~contained~~ located,
20 accompanied by the list and map specified in par. (a). ~~If the population of the~~
21 ~~municipality exceeds 10,000, the municipal clerk shall furnish one copy to the~~
22 ~~legislative reference bureau at the same time~~ a ward division includes territory that
23 was annexed to the municipality after January 1 of the year of the federal decennial
24 census of population, the municipal clerk shall identify, for each annexation, the
25 block number or numbers and the municipality or municipalities from which the

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1 territory was detached. No later than 10 days after receipt of a copy of a division
2 ordinance or resolution, accompanied by the list and map specified in par. (a), the
3 county clerk shall file with the legislative reference bureau one copy of the ordinance
4 or resolution, accompanied by the list and map. Upon receipt, the legislative
5 reference bureau shall provide the board with one copy of each ordinance or
6 resolution received under this section, accompanied by the list and map. Each copy
7 filed under this paragraph shall identify the name of the municipality and the county
8 or counties in which it is located. A copy may be filed under this paragraph either
9 in electronic or paper format.

10 **SECTION 20.** 5.15 (4) (c) of the statutes is created to read:

11 5.15 (4) (c) If a municipal clerk fails to file a copy of a division ordinance or
12 resolution, accompanied by the list and map specified in par. (a), within the time
13 period prescribed under par. (b), the municipality is liable to the state for any
14 additional costs that are incurred by the elections board and by the legislature and
15 legislative service agencies in recording ward data and that are caused by the
16 untimely filing. If a county clerk fails to file a copy of a division ordinance or
17 resolution, accompanied by the list and map specified in par. (a), within the time
18 period prescribed under par. (b), the county is liable to the state for any additional
19 costs that are incurred by the elections board and by the legislature and legislative
20 service agencies in recording ward data and that are caused by the untimely filing.
21 The legislative reference bureau may compile all additional costs for which a
22 municipality or county is liable under this paragraph and may submit a statement
23 of these costs to the appropriate municipal or county clerk.

24 **SECTION 21.** 5.15 (5) of the statutes is repealed.

25 **SECTION 22.** 5.15 (6) (a) of the statutes is amended to read:

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1 5.15 (6) (a) Following any municipality-wide special federal census of
2 population, the governing body of the municipality in which the special census was
3 held may, by ordinance or resolution, adjust the ward boundaries to correlate with
4 the results of the census, but no ward line adjustment may cross the boundary of an
5 assembly district. The municipal clerk shall ~~transmit~~ file copies of the ordinance or
6 resolution in compliance with sub. (4) (b).

7 **SECTION 23.** 5.15 (7) of the statutes is amended to read:

8 5.15 (7) If a new town is created or if part of a town is annexed to a city or village
9 during a decennial period after the period for ward adjustments under sub. (1) (b),
10 the town board of ~~any~~ the new town to which territory is attached or of the town from
11 which territory is detached, without regard to the time provisions of sub. (1) (b), may,
12 by ordinance or resolution, adjust the wards in that town, but no ward line
13 adjustment may cross the boundary of an assembly district. The town clerk shall
14 ~~transmit~~ file copies of the ordinance or resolution making the adjustment in
15 compliance with sub. (4) (b).

16 **SECTION 24.** 5.15 (8) of the statutes is amended to read:

17 5.15 (8) ~~Until divided, all~~ Every municipality that is divided into wards shall
18 hold all elections are held in the established wards, until adjusted or revised under
19 this section.

20 **SECTION 25.** 20.510 (1) (kb) of the statutes is created to read:

21 20.510 (1) (kb) *Ward data recording.* All moneys received from municipalities
22 under s. 5.15 (4) (c) for additional costs of recording ward data incurred by the board
23 as a result of late reports, to be used for that purpose.

24 **SECTION 26.** 59.10 (2) (a) of the statutes is amended to read:

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1 59.10 (2) (a) *Composition; supervisory districts.* Within ~~60~~ 90 days after the
2 population count by census block, established in the decennial federal census of
3 population, and maps showing the location and numbering of census blocks become
4 available in printed form from the federal government or are published for
5 distribution by an agency of this state, but no later than July 1 following the year of
6 each decennial census, the board shall adopt and transmit to the governing body of
7 each city and village wholly or partially contained within the county a tentative
8 county supervisory district plan to be considered by the cities and villages when
9 dividing into wards. The tentative plan shall ~~specify the number of supervisors to~~
10 ~~be elected and shall~~ divide the county into a number of districts equal to the number
11 of supervisors, with each district substantially equal in population ~~and consisting of~~
12 ~~contiguous whole wards.~~ Except as otherwise provided in this paragraph, the board
13 shall develop and adopt the tentative plan in accordance with sub. (3) (b) 1. The
14 tentative plan shall not include provision for division of any census block, as utilized
15 by the U.S. bureau of the census in the most recent federal decennial census of
16 population, unless the block is bisected by a municipal boundary or unless a division
17 is required to enable creation of supervisory districts that are substantially equal in
18 population. The board shall adopt a final plan by enacting an ordinance in
19 accordance with sub. (3) (b) 2. to 4. Changes to the final plan shall be governed by
20 sub. (3) (c).

21 **SECTION 27.** 59.10 (3) (b) 1. of the statutes is amended to read:

22 59.10 (3) (b) 1. Within ~~60~~ 90 days after the population count by census block,
23 established in the decennial federal census of population, and maps showing the
24 location and numbering of census blocks become available in printed form from the
25 federal government or are published for distribution by an agency of this state, but

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1 no later than July 1 following the year of each decennial census, each board shall
2 propose a tentative county supervisory district plan setting forth the number of
3 supervisory districts proposed by the board and tentative boundaries ~~or a description~~
4 ~~of boundary requirements~~, hold a public hearing on the proposed plan and adopt a
5 tentative plan. The proposed plan may be amended after the public hearing. The
6 tentative plan shall divide the county into a number of districts equal to the number
7 of supervisors, with each district being substantially equal in population. The board
8 shall solicit suggestions from municipalities concerning the development of an
9 appropriate plan. ~~The board shall transmit to each municipal governing body in the~~
10 ~~county the tentative plan that is adopted. Each district shall consist of whole wards~~
11 ~~or municipalities. Each district shall be designated to be represented by one~~
12 ~~supervisor, and all districts shall be substantially equal in population. and shall~~
13 attempt to incorporate the suggestions to the extent feasible. Territory within each
14 proposed supervisory district under the plan shall be contiguous, except that
15 territory surrounded by water or noncontiguous territory that is separated by the
16 territory of another municipality, by water, or by both from the major part of the
17 municipality to which the noncontiguous territory belongs may be combined with
18 noncontiguous territory within the same municipality to form a supervisory district.
19 In the tentative plan, the board shall, whenever possible, place whole contiguous
20 municipalities or contiguous parts of the same municipality within the same district.
21 If the division of a municipality is sought by the board, the board shall provide with
22 ~~the plan a written statement to the municipality affected by each proposed division~~
23 ~~specifying the approximate location of the territory from which a ward is sought to~~
24 ~~be created for contiguity purposes and the approximate population of the ward~~
25 ~~proposed to effectuate the division~~ The tentative plan shall not include provision for

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1 division of any census block unless the block is bisected by a municipal boundary or
2 unless a division is required to enable creation of supervisory districts that are
3 substantially equal in population. The board shall transmit to each municipal
4 governing body in the county a copy of the tentative plan that is adopted.

5 **SECTION 28.** 59.10 (3) (b) 2. of the statutes is amended to read:

6 59.10 (3) (b) 2. Within ~~60~~ 180 days after every ~~municipality in the county~~
7 ~~adjusts its wards under s. 5.15~~ the population count by census block, established in
8 the decennial federal census of population, and maps showing the location and
9 numbering of census blocks become available in printed form from the federal
10 government or are published for distribution by an agency of this state, the board
11 shall hold a public hearing and shall then adopt a final supervisory district plan,
12 numbering each district. Wards within each supervisory district created by the plan
13 shall be contiguous, except that one or more wards located within a city or village
14 which is wholly surrounded by another city or water, or both, may be combined with
15 one or more noncontiguous wards, or one or more wards or portions of wards
16 consisting of island territory as defined in s. 5.15 (2) (f) 3. surrounded by water or
17 noncontiguous territory that is separated by the territory of another municipality,
18 by water, or by both from the major part of the municipality to which the
19 noncontiguous territory belongs may be combined with one or more noncontiguous
20 wards or portions of wards within the same municipality, to form a supervisory
21 district. Except as required to reflect a change authorized under s. 5.15 (2) (d) in a
22 municipal ward division and except as required under subd. 2m., the final plan shall
23 not be inconsistent with the tentative plan.

24 **SECTION 29.** 59.10 (3) (b) 2m. of the statutes is created to read:

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1 59.10 (3) (b) 2m. The populations of supervisory districts under the tentative
2 plan shall be determined on the basis of the federal decennial census of population
3 and any official corrections to the census issued on or before the date that the
4 tentative plan is adopted to reflect the correct population of the county and
5 municipalities and blocks within the county on April 1 of the year of the census. The
6 populations of supervisory districts under the final plan shall be determined on the
7 basis of the federal decennial census of population and any official corrections to the
8 census to reflect the correct populations of the county and the municipalities and
9 blocks within the county on April 1 of the year of the census, if the corrections as they
10 affect any municipality are issued prior to division of the municipality into wards
11 under s. 5.15, or if a municipality is not divided into wards, prior to adoption of the
12 final plan. In this subdivision, an official correction does not include the substitution
13 of an estimate for an actual population count.

14 **SECTION 30.** 59.10 (3) (b) 4. of the statutes is amended to read:

15 59.10 (3) (b) 4. The chairperson of the board shall file a certified copy of the final
16 districting plan with the secretary of state. Upon receipt, the secretary of state shall
17 provide the legislative reference bureau with one copy of each final districting plan
18 received under this subdivision. Upon receipt, the legislative reference bureau shall
19 provide the state elections board with one copy of each final districting plan received
20 under this subdivision. A copy may be filed under this subdivision either in
21 electronic or paper format. Unless otherwise ordered under sub. (6), a plan enacted
22 and filed with the secretary of state under this paragraph, together with any
23 amendment enacted and filed under par. (c), remains in effect until the plan is
24 superseded by a subsequent plan enacted under this paragraph and a certified copy
25 of that plan is filed with the secretary of state.

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1 **SECTION 31.** 59.10 (3) (c) of the statutes is renumbered 59.10 (3) (c) 1. and
2 amended to read:

3 59.10 **(3)** (c) 1. After the enactment of a plan of supervisory districts under par.
4 (b), the board may amend the plan to reflect a municipal incorporation, annexation,
5 detachment or consolidation ~~may serve as a basis for altering between federal~~
6 ~~decennial censuses the boundaries of supervisory districts, in the discretion of the~~
7 ~~board.~~ The number of supervisory districts in the county shall not be changed by any
8 action under this paragraph. ~~Any plan of county supervisory districts enacted under~~
9 ~~par. (b) may be amended under this paragraph but shall remain in effect as amended~~
10 ~~until superseded by another plan enacted by the board under par. (b) and filed~~
11 subdivision.

12 3. The chairperson of the board shall file a certified copy of any amended plan
13 under this paragraph with the secretary of state. Upon receipt, the secretary of state
14 shall provide the legislative reference bureau with one copy of the amended plan.
15 Upon receipt, the legislative reference bureau shall provide the state elections board
16 with one copy of the amended plan. A copy may be filed under this subdivision either
17 in electronic or paper format.

18 **SECTION 32.** 59.10 (3) (c) 2. of the statutes is created to read:

19 59.10 **(3)** (c) 2. Within 45 days after enactment or adoption of a revised division
20 ordinance or resolution under s. 5.15 (4) (a), the board shall amend the county
21 supervisory district plan under par. (b) to reflect any renumbering of the wards
22 specified in the plan.

23 **SECTION 33.** 59.10 (6) of the statutes is amended to read:

24 59.10 **(6)** ENFORCEMENT OF DIVISION REQUIREMENT. If a county fails to comply
25 with sub. (2) (a) or (3) (b), any municipality located in whole or in part within the

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1 county or any elector of the county may submit to the circuit court for the county
2 within 14 days from the expiration of either ~~60-day~~ 90-day period under sub. (2) (a)
3 or (3) (b) a proposed tentative supervisory district plan or a final plan for creation of
4 supervisory districts in compliance with this section. If the court finds that the
5 existing division of the county into supervisory districts fails to comply with this
6 section, it shall review the plan submitted by the petitioner and after reasonable
7 notice to the county may promulgate the plan, or any other plan in compliance with
8 this section, ~~as a temporary supervisory district~~ and the plan shall be in effect until
9 superseded by a ~~districting~~ plan adopted by the board in compliance with this
10 section.

11 **SECTION 34.** 62.08 (1) of the statutes is amended to read:

12 62.08 (1) Within 60 days after the wards have been readjusted under s. 5.15
13 (1) and (2) the common council of every city, including ~~any~~ every 1st class city of the
14 ~~first class~~, shall redistrict the boundaries of its aldermanic districts, by an ordinance
15 introduced at a regular meeting of the council, published as a class 2 notice, under
16 ch. 985, and thereafter adopted by a majority vote of all the members of the council,
17 so that all aldermanic districts are as compact in area as possible and contain, as
18 nearly as practicable by combining contiguous whole wards, an equal number of
19 inhabitants according to the most recent decennial federal census of population. The
20 populations of the aldermanic districts shall be determined on the basis of the federal
21 decennial census of population and any official corrections to the census to reflect the
22 correct populations of the municipality and the census blocks within the
23 municipality on April 1 of the year of the census, if the corrections are issued prior
24 to division of the municipality into wards under s. 5.15. In this subsection, an official
25 correction does not include the substitution of an estimate for an actual population

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1 count. Within 45 days after enactment or adoption of a revised division ordinance
2 or resolution under s. 5.15 (4) (a), the common council shall amend the aldermanic
3 district plan to reflect any renumbering of the wards specified in the plan.

4 **SECTION 35.** 62.08 (2) of the statutes is repealed.

5 **SECTION 36.** 66.0217 (9) (a) of the statutes is amended to read:

6 66.0217 (9) (a) The clerk of a city or village which has annexed territory shall
7 file immediately with the secretary of state a certified copy of the ordinance,
8 certificate and plat, and shall send one copy to each company that provides any
9 utility service in the area that is annexed. The clerk shall record the ordinance with
10 the register of deeds and file a signed copy of the ordinance with the clerk of any
11 affected school district. ~~Failure~~ Except as provided in this paragraph, failure to file,
12 record or send does not invalidate the annexation and the duty to file, record or send
13 is a continuing one. ~~The~~ An annexation of territory that establishes a municipal
14 boundary that subdivides a census block is not valid until the clerk of the city or
15 village to which the territory is annexed files with the secretary of state the certified
16 copy of the ordinance, certificate, and plat required under this paragraph, together
17 with a certified estimate of the population of the territory on the effective date of the
18 annexation, according to the latest federal decennial census of population. Any
19 ordinance that is filed, recorded or sent under this paragraph shall describe the
20 annexed territory and the associated population, and shall identify the census block
21 number or numbers of the annexed territory and the municipality or municipalities
22 from which the annexed territory was detached. The information filed with the
23 secretary of state shall be utilized in making recommendations for adjustments to
24 entitlements ~~under the federal revenue sharing program and for~~ distribution of
25 funds under ch. 79. The clerk shall certify annually to the secretary of state and

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1 record with the register of deeds a legal description of the total boundaries of the
2 municipality as those boundaries existed on December 1, unless there has been no
3 change in the 12 months preceding.

4 **SECTION 37.** 66.0217 (9) (b) of the statutes is amended to read:

5 66.0217 (9) (b) Within 10 days of receipt of the ordinance, certificate and plat,
6 the secretary of state shall forward 2 copies of the ordinance, certificate and plat to
7 the department of transportation, one copy to the department of administration, one
8 copy to the department of revenue, one copy to the department of public instruction,
9 one copy to the department, one copy to the department of natural resources, one
10 copy to the department of agriculture, trade and consumer protection, one copy to the
11 legislative reference bureau, and 2 copies to the clerk of the municipality from which
12 the territory was annexed. The secretary of state shall provide the legislative
13 reference bureau with one copy of any certified estimate of population received under
14 par. (a), along with any copies required under this paragraph.

15 **SECTION 38.** 66.0217 (9) (d) of the statutes is created to read:

16 66.0217 (9) (d) A copy may be filed under this subsection either in electronic
17 or paper format.

18 **SECTION 39.** 66.0217 (13) of the statutes is repealed.

19 **SECTION 40.** 66.0221 of the statutes is amended to read:

20 **66.0221 Annexation of and creation of town islands.** Upon its own
21 motion, a city or village by a two-thirds vote of the entire membership of its
22 governing body may enact an ordinance annexing territory which comprises a
23 portion of a town or towns and which was completely surrounded by territory of the
24 city or village on December 2, 1973. The ordinance shall include all surrounded town
25 areas except those exempt by mutual agreement of all of the governing bodies

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1 involved. The annexation ordinance shall contain a legal description of the territory
2 and the name of the town or towns from which the territory is detached and shall
3 identify the census block number or numbers of the territory. Upon enactment of the
4 ordinance, the city or village clerk immediately shall file 6 7 certified copies of the
5 ordinance in the office of the secretary of state, together with 6 7 copies of a scale map.
6 The secretary of state shall forward 2 copies of the ordinance and scale map to the
7 department of transportation, one copy to the department of natural resources, one
8 copy to the department of revenue and, one copy to the department of administration,
9 and one copy to the legislative reference bureau. A copy may be filed under this
10 section in either electronic or paper format. This section does not apply if the town
11 island was created only by the annexation of a railroad right-of-way or drainage
12 ditch. This section does not apply to land owned by a town government which has
13 existing town government buildings located on the land. No town island may be
14 annexed under this section if the island consists of over 65 acres or contains over 100
15 residents. Section 66.0217 (11) applies to annexations under this section. After
16 December 2, 1973, no city or village may, by annexation, create a town area which
17 is completely surrounded by the city or village.

18 **SECTION 41.** 66.0223 of the statutes is amended to read:

19 **66.0223 Annexation of territory owned by a city or village.** In addition
20 to other methods provided by law and subject to ss. 59.692 (7) and 66.0307 (7),
21 territory owned by and lying near but not necessarily contiguous to a village or city
22 may be annexed to a village or city by ordinance enacted by the board of trustees of
23 the village or the common council of the city, provided that in the case of
24 noncontiguous territory the use of the territory by the city or village is not contrary
25 to any town or county zoning regulation. The ordinance shall contain the exact

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1 description of the ~~territory annexed~~ territory and the ~~names of the towns~~ name of
2 each town from which ~~the territory was~~ detached, and shall identify the census block
3 number or numbers of the annexed territory. The ordinance attaches the territory
4 to the village or city upon the filing of ~~7~~ 8 certified copies of the ordinance in the office
5 of the secretary of state, together with ~~7~~ 8 copies of a plat showing the boundaries of
6 the territory attached and any information concerning the population of the territory
7 required under s. 66.0217 (9) (a). Two copies of the ordinance and plat shall be
8 forwarded by the secretary of state to the department of transportation, one copy to
9 the department of administration, one copy to the department of natural resources,
10 one copy to the department of revenue ~~and,~~ one copy to the department of public
11 instruction, and one copy to the legislative reference bureau. Copies may be filed
12 with the secretary of state under this section in either electronic or paper format.
13 Within 10 days of filing the certified copies, a copy of the ordinance and plat shall be
14 mailed or delivered to the clerk of the county in which the annexed territory is
15 located. Section 66.0217 (11) applies to annexations under this section.

16 **SECTION 42.** 66.0227 (6) of the statutes is repealed.

17 **SECTION 43.** 119.08 (1) (b) of the statutes is amended to read:

18 119.08 (1) (b) Within 60 days after the common council of the city enacts an
19 ordinance ~~determining the boundaries of the aldermanic districts in the city~~ or
20 adopts a resolution under s. 5.15 (1) (b) dividing the city into wards following the
21 federal decennial census ~~under s. 62.08 (1),~~ the board shall, by vote of a majority of
22 the membership of the board, adopt an election district apportionment plan for the
23 election of board members which shall be effective until the city enacts a new
24 ordinance or adopts a new resolution under s. ~~62.08 (1)~~ redetermining the
25 aldermanic district 5.15 prescribing revised ward boundaries.

