2005 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB4)

Received: **04/01/2005**

Received By: **jkuesel**

Wanted: **Soon**

Identical to LRB:

For: **Ted Kanavas (608) 266-9174**

By/Representing: **Mike Richards**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - miscellaneous**
Local Gov't - counties

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Kanavas@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

SSA to SB-4

Instructions:

Per ASA 1 to 2003 AB-60.

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2005 – 2006 LEGISLATURE

LRBs0031/1
JTK:wlj:pg

~~ASSEMBLY~~ SENATE SUBSTITUTE AMENDMENT 1,

TO 2005 ~~ASSEMBLY~~ SENATE BILL 4 BILL 60

March 10, 2005 – Offered by Representative UNDERHEIM.

AN ACT ***to amend*** 59.10 (3) (c) (title) and 62.08 (4); and ***to create*** 59.10 (3) (cm) and 62.08 (4m) of the statutes; **relating to:** the size of the county board of supervisors in certain counties and the common council in certain cities.

Analysis by the Legislative Reference Bureau

Current law requires each county board to redistrict its supervisory districts once every ten years based on the results of the decennial federal census, except that in counties having a population of 500,000 or more (currently only Milwaukee County) the board may, after enactment of a decennial redistricting plan, redistrict to reduce the size of the board not more than once prior to November 15, 2010.

This substitute amendment permits the board of supervisors of any county with a population of less than 500,000, except a county having only one town (currently, all counties except Milwaukee and Menominee) to decrease the number of supervisors on the board and adopt a new redistricting plan during the ten–year period between the adoption of decennial redistricting plans. The substitute amendment requires the redistricting plan to satisfy certain criteria that also apply to decennial redistricting plans. For example, the substitute amendment requires the districts created under the redistricting plan to be substantially equal in population and in as compact a form as possible, and requires each district to contain whole contiguous municipalities or contiguous parts of the same municipality. The substitute amendment further requires the districts to consist of contiguous whole

wards in existence at the time at which the redistricting plan is adopted and requires the original numbers of the districts in their geographic outlines, to the extent possible, to be retained. In addition, the substitute amendment provides that if members of the board of supervisors serve for staggered terms, the board may change the expiration date of the term of any supervisor to an earlier date than the date provided under current ordinance if required to implement redistricting or to maintain staggering of the terms of members.

The substitute amendment also permits the electors of any county whose board is permitted to enact an intradecade redistricting plan to require the enactment of such a plan by petition and referendum at any time after the first election is held following enactment of a decennial redistricting plan. Before circulating a petition, the petitioner must register with the county clerk. Each signature on a petition must be obtained within the 60–day period following registration. A petition must be signed by a number of electors of the county equal to at least 25 percent of the total votes cast for the office of supervisor at the most recent supervisory election. If a valid petition is filed, a referendum must be held in the county at the next regularly scheduled election that follows by at least 42 days after the date on which the county clerk determines that a sufficient petition has been filed. The question must specify the proposed number of members of the board. The substitute amendment also provides that within 14 days after the last day for filing of an original petition one or more alternative petitions may be filed specifying a different number of supervisors to be elected. In this case, the electors may first choose whether to support decreasing the size of the board and, if so, whether to support the proposed size of the board specified in one of the petitions. If the first question is approved, the size of the board must then conform to the choice winning a plurality of the votes cast. If a question is approved, the county board must enact an ordinance prescribing revised boundaries for the supervisory districts in the county in accordance with the approved question at the referendum. The districts are subject to the same requirements that apply to districts created by the board in an intradecade plan enacted by the board.

Under the substitute amendment, if a plan is enacted by the county board without a referendum, the plan takes effect on November 15 following its enactment and first applies at the next election immediately preceding the expiration of terms of office of supervisors in the county. If a plan is enacted pursuant to a referendum, the county board has until November 15 following the date of the referendum, or if the referendum is held at a November general election, until the second November 15 following the date of the referendum to enact a plan. The plan then applies to the election of supervisors at the next election following that November 15 immediately preceding the expiration of terms of office of supervisors in the county. The substitute amendment permits the number of supervisors in a county to be decreased by the board or by petition and referendum only one time after the adoption of each decennial redistricting plan.

The substitute amendment also provides that, if in a city that is solely contained within one county the aldermanic districts are coterminous with supervisory districts, the common council may revise the boundaries of aldermanic

districts to maintain coterminous boundaries between aldermanic and supervisory districts, and may change the expiration date of the terms of any council member to an earlier date than the date provided under the current ordinance if required to implement the redistricting or to maintain staggered terms.

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

1 **SECTION 1.** 59.10 (3) (c) (title) of the statutes is amended to read:

2 59.10 **(3)** (c) (title) *Changes during decade; municipal boundary adjustments.*

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

4 59.10 **(3)** (cm) *Changes during decade; reduction in size.* 1. 'Number of
5 supervisors; redistricting.' Except as provided in subd. 3, following the enactment
6 of a decennial supervisory district plan under par. (b), the board may decrease the
7 number of supervisors. In that case, the board shall redistrict, readjust, and change
8 the boundaries of supervisory districts, so that the number of districts equals the
9 number of supervisors, the districts are substantially equal in population according
10 to the most recent countywide federal census, the districts are in as compact a form
11 as possible, and the districts consist of contiguous whole wards in existence at the
12 time at which the redistricting plan is adopted. In the redistricting plan, the board
13 shall adhere to the requirements under par. (b) 2. and 3. with regard to contiguity
14 and shall, to the extent possible, place whole contiguous municipalities or contiguous
15 parts of the same municipality within the same district. In redistricting under this
16 subdivision, the original numbers of the districts in their geographic outlines, to the
17 extent possible, shall be retained. No plan may be enacted under this subdivision
18 during review of the sufficiency of a petition filed under subd. 2. nor after a
19 referendum is scheduled on such a petition. However, if the electors of the county
20 reject a change in the number of supervisory districts under subd. 2., the board may

1 then take action under this subdivision except as provided in subd. 3. The county
2 clerk shall file a certified copy of any redistricting plan enacted under this
3 subdivision with the secretary of state.

4 2. 'Petition and referendum.' Except as provided in subd. 3., the electors of a
5 county may, by petition and referendum, decrease the number of supervisors at any
6 time after the first election is held following enactment of a decennial supervisory
7 district plan under par. (b). A petition for a change in the number of supervisors may
8 be filed with the county clerk. Prior to circulating a petition to decrease the number
9 of supervisors in any county, a petitioner shall register with the county clerk, giving
10 the petitioner's name and address and indicating the petitioner's intent to file such
11 a petition. No signature on a petition is valid unless the signature is obtained within
12 the 60–day period following such registration. The petition shall specify the
13 proposed number of supervisors to be elected. Within 14 days after the last day for
14 filing an original petition, any other petitioner may file an alternative petition with
15 the county clerk proposing a different number of supervisors to be elected, and, if the
16 petition is valid, the alternative proposed in the petition shall be submitted for
17 approval at the same referendum. An alternative petition is subject to the same
18 registration and signature requirements as an original petition. Each petition shall
19 be in the form specified in s. 8.40 and shall contain a number of signatures of electors
20 of the county equal to at least 25 percent of the total votes cast in the county for the
21 office of supervisor at the most recent spring election preceding the date of filing. The
22 county clerk shall promptly determine the sufficiency of a petition filed under this
23 subdivision. Upon determination that a petition is sufficient, or if one or more valid
24 alternative petitions are filed, upon determination that the petitions are sufficient,
25 the county clerk shall call a referendum concurrently with the next spring or general

election in the county that is held not earlier than 42 days after the determination is made. The question proposed at the referendum shall be: "Shall the board of supervisors of .... County be decreased from .... members to .... members?". If one or more alternative valid petitions are filed within 14 days after the last day that an original petition may be filed, the question relating to the number of supervisors shall appear separately. The first question shall be: "Shall the size of the county board of supervisors of .... County be decreased from its current membership of .... members?". Any subsequent question shall be: "If so, shall the size of the board be decreased to .... members?". Each elector may vote in the affirmative or negative on the first question and may then vote in the affirmative on one of the remaining questions. If the first question is not approved by a majority of the electors voting on the question, any subsequent question is of no effect. If the question is approved by a majority of the electors voting on the question, or, if more than one question is submitted, if the first question is approved by a majority of the electors voting on the question, the board shall enact an ordinance prescribing revised boundaries for the supervisory districts in the county. The ordinance shall be enacted in accordance with the approved question or, if more than one question is submitted, in accordance with the choice receiving a plurality of the votes cast. The districts are subject to the same requirements that apply to districts in any plan enacted by the board under subd. 1. If the board has determined under sub. (1) (b) to adopt staggered terms for the office of supervisor, the board may change the expiration date of the term of any supervisor to an earlier date than the date provided under current ordinance if required to implement the redistricting or to maintain classes of members. The county clerk shall file a certified copy of any redistricting plan enacted under this subdivision with the secretary of state.

3. 'Limitation.' If the number of supervisors in a county is decreased by the board or by petition under this paragraph, no further action may be taken by the board or by petition under this paragraph in that county until after enactment of the next decennial supervisory district plan by the board under par. (b).

4. 'Election; term.' Any redistricting plan enacted under subd. 1. takes effect on November 15 following its enactment and first applies to the election of supervisors at the next spring election following the effective date that immediately precedes the expiration of the terms of office of supervisors in the county. Any reduction in the number of supervisory districts under subd. 2. that is approved at a spring election shall be enacted in the form of a redistricting plan no later than November 15 following that election and shall first apply to the election of supervisors at the next spring election immediately preceding the expiration of the terms of office of supervisors in the county, and any reduction in the number of supervisory districts under subd. 2. that is approved at a general election shall be enacted in the form of a redistricting plan no later than the 2nd succeeding November 15 following that election and shall first apply to the election of supervisors at the next spring election following that November 15 immediately preceding the expiration of the terms of office of supervisors in the county. Any redistricting plan enacted under subd. 1. or 2. shall remain in effect until the effective date of any subsequent redistricting plan enacted under sub. (3) (c) or until the effective date of a redistricting plan subsequently enacted under par. (b). Supervisors elected from the districts created under subd. 1. or 2. shall serve for 2–year terms and shall take office on the 3rd Tuesday in April following their election.

SECTION 3. 62.08 (4) of the statutes is amended to read:

1 62.08 **(4)** The common council of any city may, by a two–thirds vote of all its
2 members but not more frequently than once in 2 years, increase or decrease the
3 number of aldermanic districts or the number of members of the city council, and in
4 that case shall redistrict, readjust and change the boundaries of aldermanic districts,
5 so that they are as nearly equal in population according to the most recent city–wide
6 federal census as practicable by combining contiguous whole wards. In redistricting
7 such cities the original numbers of the aldermanic districts in their geographic
8 outlines shall as far as possible be retained, and the aldermanic districts so created
9 and those the boundaries of which are changed shall be in as compact form as
10 possible. <u>This subsection does not apply to changes in aldermanic districts</u>
11 <u>authorized under sub. (4m).</u>

12 **SECTION 4.** 62.08 (4m) of the statutes is created to read:

13 62.08 **(4m)** If in a city that is solely contained within one county the aldermanic
14 districts are coterminous with the supervisory districts of the county and the county
15 board decreases the number of supervisors in the county after enactment of a
16 redistricting plan under s. 59.10 (3) (cm), the common council of the city may, by a
17 majority vote of the council, no later than November 15 immediately preceding the
18 expiration of the terms of office of members of the council, decrease the number of
19 aldermanic districts and the corresponding number of members of the council in the
20 city to maintain coterminous boundaries between the aldermanic and supervisory
21 districts and may change the expiration date of the term of any council member to
22 an earlier date than the date provided under the current ordinance if required to
23 implement the redistricting or to maintain classes of members.

24 **(END)**