



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Senate Bill 150

Senate Amendments 4 and 5

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This amendment memorandum describes 2011 Senate Bill 150, relating to division of municipalities into wards and redistricting of supervisory and aldermanic districts and appointing a panel to hear challenges to the apportionment of a congressional or legislative district, and hearing certain appeals, and Senate Amendments 4 and 5 to the bill.

MUNICIPAL WARD PLANS

Amending Ward Plans to Effect an Act Redistricting Legislative or Congressional Districts

Senate Bill 150 provides that if the Legislature, in an act redistricting legislative or congressional districts, establishes a district boundary within a municipality that does not coincide with the boundary of a ward established under the ordinance or resolution of the municipality, the municipal governing body must, no later than May 15 of the 2nd year following the year of the federal census on which the act is based, amend the ordinance or resolution to the extent required to effect the act. The amended ordinance or resolution must designate the polling place for any ward that is created to effect the legislative act.

Senate Amendment 4 specifies that the above provisions may not be construed to compel a county or city to alter or redraw supervisory or aldermanic districts. If the Legislature establishes a boundary in its redistricting of legislative or congressional districts that does not coincide with a *ward* boundary, the municipal governing body must adjust its wards, *but not any supervisory or aldermanic district boundaries*, to reflect the legislative or congressional district boundary.

Ward Division Timeline

Current law generally requires that a municipality adjust its wards within 60 days after receiving a tentative supervisory district plan from the county in which the municipality is located.

Senate Bill 150 changes the 60 days to 45 days, thus requiring that a municipality adjust its wards within 45 days after receiving a tentative supervisory district plan. The change to 45 days is effective for ward divisions in response to the 2020 federal census.

Senate Amendment 4 retains the 60-day timeline that is in current law.

Territory in the Wards

Under *current law*, all territory contained within a municipality, and only the territory contained within the municipality, on August 1 following the year of the federal census must be contained within a ward.

Senate Bill 150 changes the date of August 1 following the year of the federal census to April 1 of the year of the federal census, thus requiring that all territory contained within a municipality, and only the territory contained within the municipality, on April 1 of the year of the federal census be contained within a ward.

Senate Amendment 4 does not modify this provision of the bill.

Population of the Wards

Current law specifies the number of inhabitants that are required in each ward. *Senate Bill 150* provides an exception to this requirement for wards created to effect an act of the Legislature redistricting legislative or congressional districts.

Under *current law*, every city electing the members of its common council from aldermanic districts must assemble the blocks wholly or partially contained within the city into wards that will enable the creation of aldermanic districts that are substantially equal in population. *Senate Bill 150* additionally provides that if a block is partly contained within the city, the city must divide the block to form a ward containing the portion of the block that lies within the city.

Under *current law*, if territory is detached from a city, village, or town after adoption of a decennial ward plan, and the remaining portion of the ward to which it was attached falls below the prescribed minimum population for the applicable range, the remaining portion of the population may be constituted a ward by itself. *Senate Bill 150*, instead, applies this provision to territory that is detached after April 1 of the year of the federal census.

Under *current law*, a city, village, or town may establish a ward below the prescribed minimum population whenever the proposed ward contains solely new territory which becomes a part of a city, village, or town after the adoption of a decennial ward plan. *Senate Bill 150*, instead, applies this exception to new territory which becomes a part of a city, village, or town after April 1 of the year of the federal census.

Senate Amendment 4 does not modify these provisions of the bill.

Numbering of Wards

Under *current law*, all wards in a municipality must be numbered with whole numbers in consecutive order, beginning with number one.

Senate Amendment 4 provides that wards created to effect an act of the Legislature redistricting legislative or congressional districts, and wards authorized under s. 5.15 (2) (bm), (c), (e), or (f) or (7), Stats., may be numbered with a combination of whole numbers and letters. *The numbering of wards with a combination of whole numbers and letters will assist municipalities in adjusting wards, as necessary, to reflect legislative or congressional district boundaries established by the Legislature.*

Ward Line Adjustments

Under *current law*, no ward line adjustment made in response to a special federal census or the creation or annexation of a town may cross the boundary of an Assembly district.

Senate Bill 150 provides that no ward line adjustment made in response to a special federal census, the creation or annexation of a town, or the consolidation of municipalities may cross the boundary of a congressional, Assembly, or supervisory district.

Senate Amendment 4 does not modify this provision of the bill.

Consolidation of Municipalities

Senate Bill 150 provides that if a municipality is consolidated with another municipality during a decennial period after April 1 of the year of the federal census, the governing body of the consolidated municipality may, by ordinance or resolution, create new wards or adjust the existing wards of the municipality to the extent required to reflect the change.

Senate Amendment 4 does not modify this provision of the bill.

COUNTY SUPERVISORY DISTRICT PLANS

Tentative County Supervisory District Plan for Milwaukee County

Timeline

Current law requires that the County Board for Milwaukee County adopt and transmit to the governing body of each city and village wholly or partially contained within the county a tentative county supervisory district plan within 60 days after the population count by census block and maps showing the location and numbering of census blocks become available in printed form from the federal government or are published for distribution by an agency of this state, but no later than July 1 following the year of each census.

Senate Bill 150 changes the 60 days to 45 days, thus requiring the transmission of a tentative county supervisory district plan within 45 days after the population count and maps are available or published. The change to 45 days is effective for redistricting in response to the 2020 federal census.

Senate Amendment 4 retains the 60-day timeline that is in current law.

Division of Census Blocks

Senate Bill 150 provides that, in Milwaukee County, a tentative plan must not include the division of any census block, unless the block is bisected by a municipal boundary or unless a division is required to enable creation of supervisory districts that are substantially equal in population.

Senate Amendment 4 does not modify this provision of the bill.

Tentative County Supervisory District Plans for Counties Other Than Milwaukee and Menominee Counties

Timeline

Current law requires that a county board propose a tentative county supervisory district plan, hold a public hearing on the proposed plan, and adopt a tentative plan within 60 days after the population count by census block and maps showing the location and numbering of census blocks become available in printed form from the federal government or are published for distribution by an agency of this state, but no later than July 1 following the year of each census. The board must transmit to each municipal governing body in the county the tentative plan that is adopted.

Senate Bill 150 changes the 60 days to 45 days, thus requiring the adoption of a tentative plan within 45 days after the population count and maps are available or published. The change to 45 days is effective for redistricting in response to the 2020 federal census.

Senate Amendment 4 retains the 60-day timeline that is in current law.

Division of Census Blocks

Senate Bill 150 provides that a tentative plan must not include the division of any census block, unless the block is bisected by a municipal boundary or unless a division is required to enable creation of supervisory districts that are substantially equal in population.

Senate Amendment 4 does not modify this provision of the bill.

Final County Supervisory District Plans

Current law requires that a county board hold a public hearing and adopt a final supervisory district plan within 60 days after every municipality in the county adjusts its wards.

Senate Bill 150 changes the 60 days to 45 days, thus requiring that a county board hold a public hearing and adopt a final supervisory district plan within 45 days after every municipality in the county adjusts its wards. The change to 45 days is effective for redistricting in response to the 2020 federal census.

Senate Amendment 4 retains the 60-day timeline that is in current law.

Senate Bill 150 also clarifies that the final plan must not be inconsistent with the tentative plan, except as required to reflect a municipal ward division or an official correction to the census.

Senate Amendment 4 removes this provision from the bill.

Amending County Supervisory District Plans to Effect an Act Redistricting Legislative or Congressional Districts

Senate Bill 150 requires that a county board amend the county supervisory district plan to reflect any renumbering of the wards specified in the plan within 45 days after enactment or adoption of a ward plan that was revised to effect an act redistricting legislative or congressional districts. The districts under the amended plan must be substantially equal in population according to the most recent countywide federal census and must be in as compact a form as possible. The county board must adhere to requirements of contiguity and must, to the extent possible, place whole contiguous municipalities or contiguous parts of the same municipality within the same district. In the amended plan, the original numbers of the districts in their geographic outlines, to the extent possible, must be retained. An amended plan becomes effective on the first November 15 following its enactment.

Senate Amendment 4 changes the 45-day timeline to a 60-day timeline, but does not modify the other provisions of the bill that are described in the preceding paragraph.

ALDERMANIC DISTRICT PLANS

Aldermanic District Timeline

Current law requires that the common council of a city redistrict the boundaries of its aldermanic districts within 60 days after the wards have been readjusted.

Senate Bill 150 changes the 60 days to 45 days, thus requiring that the common council of a city redistrict the boundaries of its aldermanic districts within 45 days after the wards have been readjusted. The change to 45 days is effective for redistricting in response to the 2020 federal census.

Senate Amendment 4 retains the 60-day timeline that is in current law.

Standards for Aldermanic District Plans

Senate Bill 150 provides that territory within each aldermanic district must be contiguous, except that territory within the city that is wholly surrounded by another city or water, or both, may be combined with noncontiguous territory, or island territory may be combined with noncontiguous territory within the same municipality to form an aldermanic district. The aldermanic district plan may not include the division of any census block unless the block is bisected by a municipal boundary or the division is made as required under s. 5.15 (2) (c), Stats. Within 45 days after enactment or adoption of a revised division ordinance or resolution to effect an act redistricting legislative or congressional districts, the common council must amend the aldermanic district plan to reflect any renumbering of the wards specified in the plan.

Senate Amendment 4 changes the 45-day timeline to a 60-day timeline, but does not modify the other provisions of the bill that are described in the preceding paragraph.

Ward Line Adjustments

Under *current law*, no ward line adjustment made in response to territory that becomes part of a city after adoption of the aldermanic district plan may cross the boundary of an Assembly district.

Senate Bill 150 provides that no ward line adjustment made in response to territory that becomes part of a city after April 1 of the year of the federal census may cross the boundary of a congressional, Assembly, or supervisory district.

Senate Amendment 4 does not modify this provision of the bill.

Decreasing the Number of Aldermanic Districts

Under *current law*, if in a city that is solely contained within one county the aldermanic districts are coterminous with the supervisory districts of the county and the county board decreases the number of supervisors in the county after enactment of a redistricting plan, the common council of the city may, *by a majority vote of the council*, no later than November 15 immediately preceding the expiration of the terms of office of members of the council, decrease the number of aldermanic districts and the corresponding number of members of the council in the city to maintain coterminous boundaries between the aldermanic and supervisory districts.

Senate Bill 150 provides that such action requires a *majority vote of all of the members of the council*.

Senate Amendment 4 does not modify this provision of the bill.

CORRECTIONS TO THE CENSUS

Senate Bill 150 specifies that ward plans, aldermanic district plans, and supervisory district plans must reflect the federal census and any corrections to the census, for the populations of counties, municipalities, and census blocks on April 1 of the year of the census, if corrections are issued within a specified time period.

Senate Amendment 4 does not modify this provision of the bill.

CHALLENGES TO APPORTIONMENT

Senate Bill 150 provides that, in an action to challenge the apportionment of a congressional or state legislative district, the Wisconsin Supreme Court must appoint a panel consisting of three circuit court judges to hear the matter. The Supreme Court must choose one judge from each of three circuits and must assign one of the circuits as the venue for all hearings and filings in the matter. The circuit court judges who are assigned to the matter may not be substituted. If an order or decision issued by a panel is appealed, the matter must be heard by the Supreme Court and may not be heard by a court of appeals for any district.

Senate Amendment 4 does not modify these provisions of the bill.

Senate Amendment 5 provides that if an order or decision issued by a panel is appealed, the matter *may* be heard by the Supreme Court and may not be heard by a court of appeals for any district. The amendment does not modify the other provisions of the bill relating to challenges to apportionment that are described above.

LEGISLATIVE HISTORY

Senate Amendment 4 was offered by Senator Zipperer. On July 15, 2011, the Senate Committee on Judiciary, Utilities, Commerce and Government Operations recommended adoption of Senate Amendment 4 on a vote of Ayes, 5; Noes, 0. The committee also recommended passage of Senate Bill 150, as amended, on a vote of Ayes, 3; Noes, 2. On July 19, 2011, the Senate adopted Senate Amendment 4 on a voice vote.

Senate Amendment 5 was offered by Senator Zipperer. On July 19, 2011, the Senate adopted Senate Amendment 5 on a vote of Ayes, 19; Noes, 14.

On July 19, 2011, the Senate passed Senate Bill 150, as amended, on a vote of Ayes, 19; Noes, 14.

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