



2009 ASSEMBLY BILL 145

March 13, 2009 – Introduced by Representatives KESSLER, A WILLIAMS and TURNER, cosponsored by Senator TAYLOR. Referred to Committee on State Affairs and Homeland Security.

1 **AN ACT to amend** 5.15 (1) (b), 5.15 (1) (c), 5.15 (2) (d), 5.18, 59.10 (2) (a), 59.10
2 (3) (b) 1., 59.10 (3) (b) 2., 59.10 (6), 62.08 (1), 62.08 (5) and 119.08 (1) (b) of the
3 statutes; **relating to:** legislative review of municipal ward, supervisory
4 district, aldermanic district, and certain school district election district plans.

Analysis by the Legislative Reference Bureau

Currently, within 60 days after the decennial population count, by block, becomes available from the U.S. Bureau of the Census, but no later than July 1 of each year following the year of the census, each county board of supervisors must submit to each municipality having territory in the county a tentative supervisory district plan or a description of boundary requirements for such a plan. Within 60 days after the receipt of this information from the county board of each county in which a municipality is located, each municipality having a population of 1,000 or more must adopt or readjust wards in accordance with statutory population parameters. In enacting or adopting its plan, a municipality must make a good faith effort to reflect the county's requirements in enacting a supervisory district plan. Within 60 days after every municipality having territory within a county enacts or adopts a ward division plan, the county must enact a final supervisory district plan combining contiguous whole wards to form supervisory districts.

This bill shortens the maximum time period specified for action at each of the above stages of the redistricting process to 45 days. The bill also provides that upon enactment or adoption of a municipal ward division plan, the clerk of a municipality must submit a certified copy of the plan to the appropriate standing committees of

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the legislature. If, within 45 days of the receipt of the plan, the legislature enacts a law making changes to the wards within a municipality, the municipality must incorporate the changes into its ward division plan, which then takes effect. If, within 45 days of the receipt of the plan, the legislature does not enact a law making changes to the wards within the municipality, the municipal ward division plan takes effect as submitted. In addition, the bill provides that upon enactment or adoption of a final county supervisory district plan, an aldermanic district plan or an election district plan in a school district serving a first class city (Milwaukee), the county, city, or school district clerk must submit a certified copy of the plan to the appropriate standing committees of the legislature. If, within 30 days of receipt of the plan, the legislature enacts a law making changes in the supervisory, aldermanic, or election districts, the county, city, or school district must incorporate the changes into its plan, which then takes effect. If, within 30 days of receipt of the plan, the legislature does not enact a law making changes to the supervisory, aldermanic, or election districts within the plan, the plan takes effect as submitted. Because the legislature has inherent authority to establish municipal wards or to change ward boundaries as a part of a congressional or legislative redistricting plan, the bill does not preclude the legislature from making other changes in municipal ward boundaries as a part of such a plan.

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

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

2 5.15 (1) (b) Except as authorized in sub. (2) (a), within ~~60~~ 45 days after the
3 receipt of a tentative supervisory district plan and written statement, if any, from the
4 county board of each county in which a municipality is located, the governing body
5 of the municipality shall adjust its wards according to the schedule shown in sub. (2).
6 All territory contained within the municipality, and only the territory so contained,
7 on August 1 following the year of the federal decennial census shall be contained
8 within a ward. Except as authorized in sub. (2), each ward shall consist of whole
9 blocks. To suit the convenience of the voters residing therein each ward shall, as far
10 as practicable, be kept compact and observe the community of interest of existing
11 neighborhoods and other settlements. All territory within a ward shall be
12 contiguous, except for island territory as defined in sub. (2) (f) 3. Enactment or

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1 adoption of a division ordinance or resolution requires the affirmative vote of a
2 majority of the members of the governing body. Immediately upon enactment of a
3 division ordinance or resolution, the clerk of the municipality shall submit a certified
4 copy of the ordinance or resolution to the appropriate standing committees of each
5 house of the legislature under s. 13.172 (3). If the legislature does not enact a law
6 making changes in the wards of the municipality submitting a plan within 45 days
7 of the date of receipt of the certified copy of the ordinance or resolution of a
8 municipality under this paragraph, the ordinance or resolution takes effect upon
9 expiration of the 45-day period. If, within 45 days of the date of receipt of the
10 certified copy of an ordinance or resolution of a municipality under this paragraph,
11 the legislature enacts a law making changes in the wards of a municipality
12 submitting a division ordinance or resolution, the municipality shall revise and
13 reenact or readopt its ordinance or resolution to reflect the changes specified by law.
14 The ordinance or resolution shall then take effect. This paragraph does not preclude
15 the legislature from adjusting the ward boundaries of any municipality, as a matter
16 of statewide concern, in the enactment of congressional districts or in the enactment
17 of legislative districts under article IV, section 3 of the constitution, on the basis of
18 the most recent decennial census of population. An ordinance or resolution enacted
19 under s. 61.189 (1), 66.0211 (1), 66.0215 (2), or 66.0216 (2) (d) is not required to be
20 submitted under this paragraph.

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

22 5.15 (1) (c) The wards established by municipal governing bodies under this
23 section on the basis of the published results of each federal decennial census of
24 population, as adjusted under par. (b), shall govern the adjustment of supervisory
25 districts under s. 59.10 (2) (a) and (3) (b) and of aldermanic districts under s. 62.08

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1 (1) for the purpose of local elections beginning on January 1 of the 2nd year
2 commencing after the year of the census until revised under this section on the basis
3 of the results of the next decennial census of population unless adjusted under sub.
4 (2) (f) 4., (6) (a) or (7), or unless adjusted, as a matter of statewide concern, in the
5 enactment of legislative districts under article IV, section 3, of the constitution on the
6 basis of the most recent decennial census of population.

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

8 5.15 (2) (d) Every municipality shall make a good faith effort to accommodate
9 the tentative plan submitted by the county or counties in which it is located under
10 s. 59.10 (2) (a) or (3) (b) 1., and shall divide itself into wards, consistently with any
11 adjustments made by law under sub. (1) (b), in such a manner that will permit the
12 creation of county supervisory districts in accordance with the population
13 requirements for the plan specified in s. 59.10 (2) (a) or (3) (b) 1.

14 **SECTION 4.** 5.18 of the statutes is amended to read:

15 **5.18 Enforcement of division requirement.** If any municipality fails to
16 comply with s. 5.15, the county in which the municipality is located or any elector of
17 the municipality may submit to the circuit court for any county in which the
18 municipality is located within 14 days from the expiration of the ~~60-day~~ 45-day
19 period under s. 5.15 (1) (b) a proposed plan for the division of the municipality into
20 wards in compliance with this section. If the circuit court finds that the existing
21 division of the municipality into wards fails to comply with s. 5.15, it shall review the
22 plan submitted by the petitioner and after reasonable notice to the municipality may
23 promulgate the plan, or any other plan in compliance with s. 5.15, as a temporary
24 ward plan for the municipality ~~to remain in effect~~ until superseded by a ward plan
25 adopted by the governing body in compliance with s. 5.15. Upon promulgation of a

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1 temporary ward plan or enactment of any subsequent plan under s. 5.15, the clerk
2 of the municipality shall submit a certified copy of the plan to the appropriate
3 standing committees of the legislature under s. 5.15 (1) (b).

4 **SECTION 5.** 59.10 (2) (a) of the statutes is amended to read:

5 59.10 (2) (a) *Composition; supervisory districts.* Within ~~60~~ 45 days after the
6 population count by block, established in the decennial federal census of population,
7 and maps showing the location and numbering of census blocks become available in
8 printed form from the federal government or are published for distribution by an
9 agency of this state, but no later than July 1 following the year of each decennial
10 census, the board shall adopt and transmit to the governing body of each city and
11 village wholly or partially contained within the county a tentative county
12 supervisory district plan to be considered by the cities and villages when dividing
13 into wards. The plan shall specify the number of supervisors to be elected and shall
14 divide the county into a number of districts equal to the number of supervisors, with
15 each district substantially equal in population and consisting of contiguous whole
16 wards. Except as otherwise provided in this paragraph, the board shall develop and
17 adopt the tentative plan in accordance with sub. (3) (b) 1. The board shall adopt a
18 final plan by enacting an ordinance in accordance with sub. (3) (b) 2. to 4.

19 **SECTION 6.** 59.10 (3) (b) 1. of the statutes is amended to read:

20 59.10 (3) (b) 1. Within ~~60~~ 45 days after the population count by block,
21 established in the decennial federal census of population, and maps showing the
22 location and numbering of census blocks become available in printed form from the
23 federal government or are published for distribution by an agency of this state, but
24 no later than July 1 following the year of each decennial census, each board shall
25 propose a tentative county supervisory district plan setting forth the number of

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1 supervisory districts and tentative boundaries or a description of boundary
2 requirements, hold a public hearing on the proposed plan and adopt a tentative plan.
3 The proposed plan may be amended after the public hearing. The board shall solicit
4 suggestions from municipalities concerning the development of an appropriate plan.
5 The board shall transmit to each municipal governing body in the county the
6 tentative plan that is adopted. Each district shall consist of whole wards or
7 municipalities. Each district shall be designated to be represented by one supervisor,
8 and all districts shall be substantially equal in population. In the tentative plan, the
9 board shall, whenever possible, place whole contiguous municipalities or contiguous
10 parts of the same municipality within the same district. If the division of a
11 municipality is sought by the board, the board shall provide with the plan a written
12 statement to the municipality affected by each proposed division specifying the
13 approximate location of the territory from which a ward is sought to be created for
14 contiguity purposes and the approximate population of the ward proposed to
15 effectuate the division.

16 **SECTION 7.** 59.10 (3) (b) 2. of the statutes is amended to read:

17 59.10 (3) (b) 2. Within ~~60~~ 45 days after a ward division ordinance or resolution
18 becomes effective under s. 5.15 (1) and (2) in every municipality in the county ~~adjusts~~
19 ~~its wards under s. 5.15~~, the board shall hold a public hearing and shall then adopt
20 a final supervisory district plan, numbering each district. Wards within each
21 supervisory district created by the plan shall be contiguous, except that one or more
22 wards located within a city or village which is wholly surrounded by another city or
23 water, or both, may be combined with one or more noncontiguous wards, or one or
24 more wards or portions of wards consisting of island territory as defined in s. 5.15
25 (2) (f) 3. may be combined with one or more noncontiguous wards or portions of wards

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1 within the same municipality, to form a supervisory district. Immediately upon
2 enactment of an ordinance containing the final supervisory district plan, the clerk
3 shall submit a certified copy of the ordinance to the appropriate standing committees
4 of each house of the legislature under s. 13.172 (3). If the legislature does not enact
5 a law making changes in the supervisory districts of the county submitting the
6 ordinance within 30 days of the date of receipt of the certified copy of the ordinance
7 under this paragraph, the ordinance takes effect upon expiration of the 30-day
8 period. If, within 30 days of receipt of the certified copy of the ordinance under this
9 paragraph, the legislature enacts a law making changes in the supervisory districts
10 of the county submitting the ordinance, the county shall revise and reenact its
11 ordinance to reflect the changes specified by law. The ordinance shall then take
12 effect. This paragraph does not preclude the legislature from adjusting the
13 supervisory district boundaries of any county, as a matter of statewide concern, in
14 the enactment of congressional districts or in the enactment of legislative districts
15 under article IV, section 3 of the constitution, on the basis of the most recent
16 decennial census of population.

17 **SECTION 8.** 59.10 (6) of the statutes is amended to read:

18 59.10 (6) ENFORCEMENT OF DIVISION REQUIREMENT. If a county fails to comply
19 with sub. (2) (a) or (3) (b), any municipality located in whole or in part within the
20 county or any elector of the county may submit to the circuit court for the county
21 within 14 days from the expiration of either ~~60-day~~ 45-day period under sub. (2) (a)
22 or (3) (b) a proposed tentative or final plan for creation of supervisory districts in
23 compliance with this section. If the court finds that the existing division of the county
24 into supervisory districts fails to comply with this section, it shall review the plan
25 submitted by the petitioner and after reasonable notice to the county may

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1 promulgate the plan, or any other plan in compliance with this section, as a
2 temporary supervisory district plan until superseded by a districting plan adopted
3 by the board in compliance with this section.

4 **SECTION 9.** 62.08 (1) of the statutes is amended to read:

5 62.08 (1) Within ~~60~~ 45 days after ~~the wards have been readjusted a ward~~
6 division ordinance or resolution under s. 5.15 (1) and (2) becomes effective in a city,
7 including a city of the first class, the common council of every the city, including any
8 city of the first class, shall redistrict the boundaries of its aldermanic districts, by an
9 ordinance introduced at a regular meeting of the council, published as a class 2
10 notice, under ch. 985, and thereafter adopted by a majority vote of all the members
11 of the council, so that all aldermanic districts are as compact in area as possible and
12 contain, as nearly as practicable by combining contiguous whole wards, an equal
13 number of inhabitants according to the most recent decennial federal census of
14 population. Immediately upon enactment of an ordinance containing the final
15 aldermanic district plan, the city clerk shall submit a certified copy of the plan to the
16 appropriate standing committees of the legislature under s. 13.172 (3). If the
17 legislature does not enact a law making changes in the aldermanic districts of the
18 city submitting the ordinance within 30 days of the date of receipt of the certified copy
19 of the ordinance under this subsection, the ordinance takes effect upon expiration of
20 the 30-day period. If, within 30 days of receipt of the certified copy of the ordinance
21 under this subsection, the legislature enacts a law making changes in the aldermanic
22 districts of the city submitting the ordinance, the city shall revise and reenact its
23 ordinance to reflect the changes specified by law. The ordinance shall then take
24 effect. This subsection does not preclude the legislature from adjusting the
25 aldermanic district boundaries of any city, as a matter of statewide concern, in the

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1 enactment of congressional districts or in the enactment of legislative districts under
2 article IV, section 3 of the constitution, on the basis of the most recent decennial
3 census of population. An ordinance enacted under s. 61.189 (1) or 66.0211 (1) is not
4 required to be submitted under this subsection.

5 **SECTION 10.** 62.08 (5) of the statutes is amended to read:

6 62.08 (5) If a city fails to comply with sub. (1), any elector of the city may submit
7 to the circuit court for any county in which the city is located within 14 days from the
8 expiration of the ~~60-day~~ 45-day period under sub. (1) a proposed plan for creation
9 of aldermanic districts in compliance with this section. If the court finds that the
10 existing division of the city into aldermanic districts fails to comply with this section,
11 it shall review the plan submitted by the petitioner and after reasonable notice to the
12 city may promulgate the plan, or any other plan in compliance with this section, as
13 a temporary aldermanic district plan until superseded by a districting plan adopted
14 by the council in compliance with this section.

15 **SECTION 11.** 119.08 (1) (b) of the statutes is amended to read:

16 119.08 (1) (b) Within ~~60~~ 45 days after the common council of the city enacts an
17 ordinance ~~determining or adopts a resolution adjusting~~ the boundaries of the
18 ~~aldermanic districts~~ wards in the city following the federal decennial census under
19 s. ~~62.08~~ 5.15 (1) and (2), the board shall, by vote of a majority of the membership of
20 the board, adopt an election district apportionment plan for the election of board
21 members which shall be effective until the city enacts a new ordinance under s. 62.08
22 (1) ~~redetermining the aldermanic district boundaries~~ adjusting the boundaries of its
23 wards under s. 5.15 (1) and (2). Immediately upon adoption of a plan containing the
24 election districts, the clerk shall submit a certified copy of the plan to the appropriate
25 standing committees of the legislature under s. 13.172 (3). If the legislature does not

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1 enact a law making changes in the election districts of the school district submitting
2 the plan within 30 days of the date of receipt of the certified copy of the plan under
3 this paragraph, the plan takes effect upon expiration of the 30-day period. If, within
4 30 days of receipt of the certified copy of the plan under this paragraph, the
5 legislature enacts a law making changes in the election districts of the school district
6 submitting the plan, the school district shall revise and readopt its plan to reflect the
7 changes specified by law. The plan shall then take effect. This paragraph does not
8 preclude the legislature from adjusting the election district boundaries of any school
9 district, as a matter of statewide concern, in the enactment of congressional districts
10 or in the enactment of legislative districts under article IV, section 3 of the
11 constitution, on the basis of the most recent decennial census of population.

12

(END)