

1991 Senate Bill 11

Date of enactment: **March 27, 1991**
Date of publication*: **March 31, 1991**

1991 WISCONSIN ACT 5

AN ACT *to repeal* 5.02 (4s), 5.15 (2) (b) 5 and 5.15 (2) (f) 5; *to renumber and amend* 5.15 (2) (b) 6 and 5.15 (2) (b) 7; *to amend* 5.02 (1q), 5.15 (1) (a) and (b), 5.15 (2) (a), 5.15 (2) (c) and (d), 5.15 (2) (f) (intro.), 5.15 (4), (6) and (7), 5.58 (2) (a), 59.03 (2) (a) and (3) (b) 1, 66.021 (16) and 66.022 (6); *to repeal and recreate* 5.15 (2) (e); and *to create* 5.15 (2) (g) of the statutes, **relating to**: the procedure for adjustment of municipal ward and county supervisory district boundaries; elimination of obsolete references to census enumeration districts from the statutes; and limiting the moratorium on detachments of city and village territory and on certain annexation procedures used by a city or village.

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

SECTION 1. 5.02 (1q) of the statutes is amended to read:

5.02 (1q) "Block" means an area ~~bounded by 4 streets or some other physical feature~~, which is the smallest geographic area used by the U.S. bureau of the census for data collection and tabulation.

SECTION 2. 5.02 (4s) of the statutes is repealed.

SECTION 3. 5.15 (1) (a) and (b) of the statutes are amended to read:

5.15 (1) (a) Every city, village ~~or~~ and town in this state shall by its common council or village or town board, respectively, be divided into wards as provided in this section, except as authorized in sub. (2). The boundaries of the wards established under this section, and the number assigned to each ward, are intended to be as permanent as possible, and to this end each ward shall when created contain a population at a convenient point within the applicable population range under sub. (2) (b), with due consideration for the known trends of population increase or decrease within that part of the municipality in which the ward is located. Once established, the boundaries of each ward shall remain unchanged until a further decennial federal census of population indicates that the population of a ward is then above or below the

applicable population range or until the ward boundaries are required to be changed to permit creation of supervisory or aldermanic districts of substantially equal population or to enhance the participation of members of a racial or language minority group in the political process and their ability to elect representatives of their choice. If the population of a ward has increased above the maximum of its population range, ~~such~~ or if the population of a ward must be decreased for a reason specified in this paragraph, the ward shall be divided into 2 or more wards in compliance with sub. (2) (b). If the population of a ward has decreased below the minimum of its population range ~~such~~ or if the population of a ward must be increased for a reason specified in this paragraph, the ward shall, if possible, be combined with an adjoining ward, or the underpopulated ward and one adjoining ward shall be combined and together subdivided into 2 or more wards in compliance with sub. (2). ~~For the purpose of sub. (2), "population" means the population by enumeration district or block established in the most recent federal decennial census of population.~~

(b) Except as authorized in sub. (2) (a), within 60 days after the receipt of a tentative supervisory district plan and written statement, if any, from the county board of each county in which a municipality is located, the governing body of the municipality shall adjust its wards according to the schedule shown in sub. (2). All territory

contained within the municipality, and only the territory so contained, on August 1 following the year of the federal decennial census shall be contained within a ward. Except as authorized in sub. (2), each ward shall consist of ~~whole enumeration districts or, where block statistics are available for blocks, of whole blocks.~~ To suit the convenience of the voters residing therein each ward shall, as far as practicable, be kept compact and observe the community of interest of existing neighborhoods and other settlements. All territory within a ward shall be contiguous, except for island territory as defined in sub. (2) (f) 3. ~~The division of a municipality into wards shall be made by the common council for each city, by the village board for each village, and by the town board for each town. In dividing the municipality into wards, the governing body shall give consideration to the tentative plan submitted by the county board of the county or counties in which it is located under s. 59.03 (2) (a) or (3) (b) 1.~~ Passage Enactment or adoption of a division ordinance or resolution requires the affirmative vote of a majority of the members of the respective governing body.

SECTION 4. 5.15 (2) (a) of the statutes is amended to read:

5.15 (2) (a) Except as required by par. (d), no city electing its common council at large in which the total population is less than 1,000, and no village or town in which the total population is less than 1,000 is required to be divided into wards under this section, but any such city, village or town may divide itself into wards if the creation of wards facilitates the administration of elections and for this purpose may estimate resident population according to the best evidence as provided in par. (b) 7.. No village or town located in a county having only one town is required to be divided into wards under this section.

SECTION 5. 5.15 (2) (b) 5. of the statutes is repealed.

SECTION 6. 5.15 (2) (b) 6. of the statutes is renumbered 5.15 (2) (bm) and amended to read:

5.15 (2) (bm) ~~Any other~~ Every city electing the members of its common council from aldermanic districts ~~for which the population data according to the most recent federal census of population is not reported by block statistics shall divide~~ assemble the enumeration districts blocks wholly or partially contained within the city into wards that will enable the creation of aldermanic districts that are substantially equal in population.

SECTION 7. 5.15 (2) (b) 7. of the statutes is renumbered 5.15 (2) (cm) and amended to read:

5.15 (2) (cm) Any division of ~~enumeration districts in blocks under~~ this section shall be based on the best evidence available. In this ~~subdivision paragraph~~, "best evidence" includes, but is not limited to, the population of the block and other information received from the U.S. bureau of the census and such data as number of housing units, utility connections and vehicle registrations or a special census conducted locally. For each ward so estab-

lished, the population estimate shall be correlated with the results of the most recent federal decennial census, so that the total population reported for all wards in the municipality agrees with the census ~~result~~ results.

SECTION 8. 5.15 (2) (c) and (d) of the statutes are amended to read:

5.15 (2) (c) If the population of a block exceeds the maximum population for a ward otherwise specified in this subsection, such block shall be constituted a ward by itself. ~~If the population of an enumeration district exceeds the maximum population for a ward specified in this subsection, the enumeration district may be constituted a ward by itself, unless otherwise required in par. (d)~~ except that if the population of a block substantially exceeds the population of proposed aldermanic districts in a city so that, if the block were to constitute an aldermanic district, the populations of the aldermanic districts in the city would not be substantially equal, the city shall divide the block to permit assembly into wards that will enable creation of aldermanic districts that are substantially equal in population.

(d) Every municipality shall make a good faith effort to accommodate the tentative plan submitted by the county or counties in which it is located under s. 59.03 (2) (a) or (3) (b) 1., and shall divide itself into wards in such a manner that will permit the creation of county supervisory districts in accordance with the population requirements for the plan specified in s. 59.03 (2) (a) or (3) (b) 1. ~~If the use of whole enumeration districts prevents the establishment of county supervisory districts in accordance with the tentative plan, the municipality shall cooperate with the county or counties in which it is located to divide itself into wards which will permit the creation of supervisory districts in accordance with the population requirements for the plan specified in s. 59.03 (2) (a) or (3) (b) 1. Each division of an enumeration district shall be based on the best evidence available, as defined in par. (b) 7.~~

SECTION 9. 5.15 (2) (e) of the statutes is repealed and recreated to read:

5.15 (2) (e) Notwithstanding par. (b), 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.

SECTION 10. 5.15 (2) (f) (intro.) of the statutes is amended to read:

5.15 (2) (f) (intro.) Notwithstanding par. (b), any city, village or town may establish a ward below the prescribed minimum population for the applicable range, ~~and for this purpose, may estimate resident population according to the best evidence as authorized in par. (b) 7., whenever the proposed ward is established under par. (a), (d) or (e) or whenever the proposed ward~~ contains solely:

1991 Senate Bill 11

SECTION 11. 5.15 (2) (f) 5. of the statutes is repealed.

SECTION 12. 5.15 (2) (g) of the statutes is created to read:

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

SECTION 13. 5.15 (4), (6) and (7) of the statutes are amended to read:

5.15 (4) (a) The division ordinance or resolution shall number all wards in the municipality in whole numbers in consecutive order, beginning with the number one, shall designate the polling place for each ward, and shall describe the boundaries of each ward consistent with the conventions set forth in s. 4.003. The ordinance or resolution shall be accompanied by a list of the block numbers used by the U.S. bureau of the census that are wholly or partly contained within each ward, with any block numbers partly contained within a ward identified, and a map of the municipality which illustrates the revised ward boundaries.

(b) ~~The resolution or ordinance shall be filed with the proper~~ Within 5 days after adoption or enactment of an ordinance or resolution under this section, the municipal clerk, who shall transmit a one copy of the ordinance or resolution to the county clerk within 5 days of each county in which the municipality is contained, accompanied by the list and map specified in par. (a). If the population of the municipality exceeds 10,000, the municipal clerk shall furnish one copy to the legislative reference bureau at the same time. Each copy shall identify the name of the municipality and the county or counties in which it is located.

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

(b) No later than 60 days before each September primary and general election, and no later than 30 days before each other election the governing body of any municipality may by resolution combine 2 or more wards for voting purposes to facilitate using a common polling place. Whenever wards are so combined, the original ward numbers shall continue to be utilized for all official purposes. Except as otherwise authorized under this paragraph, every municipality having a population of 35,000 or more shall maintain separate returns for each ward so combined. In municipalities having a population of less than 35,000, the governing body may provide in the resolution that returns shall be maintained only for

each group of combined wards at any election. In municipalities having a population as shown in the 1980 federal decennial census of at least 87,000 but not more than 150,000, the governing body may provide in a resolution adopted prior to 1992 that not more than 2 wards shall use common ballot boxes and ballots or voting machines and that returns shall be maintained only for each group of combined wards at any election held prior to 1992, but not more than one such resolution may be adopted. Whenever a governing body provides for common ballot boxes and ballots or voting machines, separate returns shall be maintained for each separate ballot required under ss. 5.58 to 5.64. A The municipal clerk shall transmit a copy of the resolution shall be filed in the same manner as provided in sub. (4) (b) to the county clerk of each county in which the municipality is contained. In municipalities having a population of less than 35,000, the resolution shall remain in effect for each election until modified or rescinded, or until a new division is made under this section.

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

SECTION 14. 5.58 (2) (a) of the statutes is amended to read:

5.58 (2) (a) There shall be one separate ballot for state superintendent, judicial officers, county executive under s. 59.031 and county supervisor. ~~In counties under 500,000 population, the ballot shall provide for the election of 2 supervisors whenever the districting plan adopted under s. 59.03 (3) (b) so provides, in accordance with the method of election specified in the plan.~~ In counties having a population of 500,000 or more, the ballot also shall include those offices under s. 8.11 (2) and (2m). The arrangement of names of candidates for state superintendent, justice, court of appeals judge and circuit court judge shall be determined by the board in the manner specified in s. 5.60 (1) (b). Arrangement of the names of candidates for county executive and county supervisor shall be determined by the county clerk or by the executive director of the county board of election commissioners in the manner specified in s. 5.60 (1) (b). The ballot shall be titled "Official Ballot for State Superintendent of Public Instruction, Judicial, County Executive and County Supervisor Primary".

SECTION 15. 59.03 (2) (a) and (3) (b) 1. of the statutes are amended to read:

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

(3) (b) 1. Within 60 days after the population count by ~~enumeration district or block~~, established in the decennial federal census of population, becomes and maps showing the location and numbering of census blocks become available in printed form from the federal government or is are published for distribution by an agency of this state, but no later than July 1 following the year of each decennial census, each board shall ~~adopt and transmit to each municipal governing body in the county~~ propose a tentative county supervisory district plan setting forth the number of supervisory districts and tentative boundaries or a description of boundary requirements, hold a public hearing on the proposed plan and adopt a tentative plan. The proposed plan may be amended after the public hearing. The board shall solicit suggestions from municipalities concerning development of an appropriate plan. The board shall transmit to each municipal governing body in the county the tentative plan that is adopted. Each district shall consist of whole wards or municipalities and, Each district shall be designated to be represented by one or 2 supervisors; however, no supervisory district for the election of 2 supervisors may include territory for which the U.S. bureau of the census has provided block statistics. All supervisor, and all districts designated to be represented by one supervisor shall be substantially equal in population. All districts designated to be represented by 2 supervisors shall be substantially equal in population, which population shall be approximately twice the population of each district in the county designated to be represented by one supervisor, if any. In districts to be represented by 2 supervisors, the plan may specify that election shall be from numbered seats. If no specification

~~is made, the supervisors shall be elected from unnumbered seats. The board shall solicit suggestions from municipalities concerning development of an appropriate plan. In the tentative plan, the board shall, whenever possible, give first preference to placing place whole contiguous municipalities or contiguous parts of the same municipality within the same district and 2nd preference to placing whole contiguous enumeration districts within the same district. In the event that a division of a municipality or enumeration district is sought by the board, the board shall provide with the plan a written statement to the municipality affected by each proposed division specifying the approximate location of the territory from which a ward is sought to be created for contiguity purposes and the approximate population of the ward proposed to effectuate the division.~~

SECTION 16. 66.021 (16) of the statutes is amended to read:

66.021 (16) EFFECTIVE DATE OF ANNEXATIONS. Because the creation of congressional, legislative, supervisory and aldermanic districts of equal population is a matter of statewide concern, any annexation action that affects a tract of land that is the subject of an ordinance enacted or resolution adopted by any city during the period from January 1, 1990, to April 1, 1991, or any later date, expressing an intent to not exercise the city's authority to annex territory before April 1, 1991, or the specified later date, taken by a municipality during the period beginning on April 1 of the year commencing after each federal decennial census of population and ending on July 31 of the 2nd June 30 of the year commencing after that census, is effective on August 1 of the 2nd July 1 of the year commencing after that census or at such later date as may be specified in the annexation ordinance. This subsection first applies to annexations effective after March 31, 1991.

SECTION 17. 66.022 (6) of the statutes is amended to read:

66.022 (6) Because the creation of congressional, legislative, supervisory and aldermanic districts of equal population is a matter of statewide concern, any detachment action that affects a tract of land that is the subject of an ordinance enacted or resolution adopted by any city during the period from January 1, 1990, to April 1, 1991, or any later date, expressing an intent to not exercise the city's authority to annex territory before April 1, 1991, or the specified later date, taken by a municipality during the period beginning on April 1 of the year commencing after each federal decennial census of population and ending on July 31 of the 2nd June 30 of the year commencing after that census, is effective on August 1 of the 2nd July 1 of the year commencing after that census or at such later date as may be specified in the detachment

1991 Senate Bill 11

ordinance. This subsection first applies to detachments effective after March 31, 1991.
