

1999 ASSEMBLY BILL 940

March 28, 2000 – Introduced by JOINT COMMITTEE ON LEGISLATIVE ORGANIZATION.
Referred to Committee on Rules.

1 **AN ACT** *to repeal* 5.15 (2) (e), 5.15 (2) (f), 5.15 (5), 62.08 (2), 66.021 (7) (b), 66.021
2 (16) and 66.022 (6); *to renumber and amend* 5.15 (2) (d) and 59.10 (3) (c); *to*
3 **amend** 5.15 (1) (a), 5.15 (1) (b), 5.15 (1) (c), 5.15 (2) (b) 1., 5.15 (2) (b) 2., 5.15
4 (2) (b) 3., 5.15 (2) (b) 4., 5.15 (2) (bm), 5.15 (2) (cm), 5.15 (2) (g), 5.15 (4) (a), 5.15
5 (4) (b), 5.15 (6) (a), 5.15 (7), 5.15 (8), 59.10 (2) (a), 59.10 (3) (b) 1., 59.10 (3) (b)
6 2., 59.10 (3) (b) 4., 59.10 (6), 62.08 (1), 66.021 (8) (a), 66.021 (8) (b), 66.021 (15),
7 66.025 and 119.08 (1) (b); *to repeal and recreate* 4.002; and *to create* 5.15 (2)
8 (b) (intro.), 5.15 (2) (ce), 5.15 (2) (d) 1. to 5., 5.15 (2) (fm), 5.15 (4) (c), 20.510 (1)
9 (k), 59.10 (3) (b) 2m., 59.10 (3) (c) 2. and 66.021 (8) (d) of the statutes; **relating**
10 **to:** division of municipalities into wards; redistricting of supervisory and
11 aldermanic districts; election districts in 1st class city school systems;

ASSEMBLY BILL 940

- 1 recording of certain municipal annexations; the effective date of certain
2 annexation and detachment actions; and making an 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 county and municipal 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, each county must adopt a tentative county supervisory district plan. Each municipality must adopt a ward division plan, if it is required to do so, 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 a final

ASSEMBLY BILL 940

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

Currently, the tentative 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 making municipal ward divisions. This bill requires that each municipality establish wards that will permit creation of county supervisory districts in accordance with the tentative plan or plans submitted by the county or counties in which the municipality is located 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.

ASSEMBLY BILL 940

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.

Currently, if new territory becomes a part of a municipality after adoption of a decennial ward plan, the municipality may add the territory to an existing ward or may create a separate ward consisting of that territory only. Under this bill, any such territory annexed after the county in which the territory is located adopts a tentative supervisory district plan must constitute a separate whole ward and must be numbered with the letter “A” following the whole number assigned to the ward.

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

ASSEMBLY BILL 940

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.

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 division 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. This bill provides that the ward plans and aldermanic district plans shall 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 if a municipality that is affected by a correction is not divided into wards, 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 municipal decennial ward division must include all territory within a municipality on August 1 of the year following the federal decennial census. This bill instead provides that each division must include all territory within a 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.

ASSEMBLY BILL 940

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

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.** 4.002 of the statutes is repealed and recreated to read:

2 **4.002 Municipal wards; definition.** In this chapter, “ward” means a
3 municipal ward in effect on January 1 of the 2nd year following a federal decennial
4 census.

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

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

ASSEMBLY BILL 940

1 or required under this section. If the population of a ward has increased above the
2 ~~maximum of its applicable population range limitation~~ or if the population of a ward
3 must be decreased for a reason specified in this paragraph, the ward shall be divided
4 ~~into 2 or more wards~~ or the boundaries of the ward shall be changed in compliance
5 with sub. (2) (b). ~~If the population of a ward has decreased below the minimum of~~
6 ~~its population range or if the population of a ward must be increased for a reason~~
7 ~~specified in this paragraph,~~ whenever possible, the ward shall, ~~if possible,~~ be
8 combined with an adjoining ward, or the underpopulated ward and one adjoining
9 ward shall be combined and together subdivided into 2 or more wards in compliance
10 with sub. (2).

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

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

ASSEMBLY BILL 940**SECTION 3**

1 ~~(f) 3~~ surrounded by water or noncontiguous territory that is separated by the
2 territory of another municipality, by water or by both from the major part of the
3 municipality to which the noncontiguous territory belongs. Enactment or adoption
4 of a division ordinance or resolution requires the affirmative vote of a majority of the
5 members of the governing body.

6 **SECTION 4.** 5.15 (1) (c) of the statutes is amended to read:

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

ASSEMBLY BILL 940

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

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

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

7 5.15 **(2)** (b) 1. In any city in which the population is at least 150,000, each ward
8 ~~shall contain not less than 1,000 nor more than 4,000~~ inhabitants.

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

10 5.15 **(2)** (b) 2. In any city in which the population is at least 39,000 but less than
11 150,000, each ward ~~shall contain not less than 800 nor more than 3,200~~ inhabitants.

12 **SECTION 8.** 5.15 (2) (b) 3. of the statutes is amended to read:

13 5.15 **(2)** (b) 3. In any city, village or town in which the population is at least
14 10,000 but less than 39,000, each ward ~~shall contain not less than 600 nor more than~~
15 2,100 inhabitants.

16 **SECTION 9.** 5.15 (2) (b) 4. of the statutes is amended to read:

17 5.15 **(2)** (b) 4. In any city, village or town in which the population is less than
18 10,000, each ward ~~shall contain not less than 300 nor more than 1,000~~ inhabitants.

19 **SECTION 10.** 5.15 (2) (bm) of the statutes is amended to read:

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

ASSEMBLY BILL 940**SECTION 11**

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

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

6 **SECTION 12.** 5.15 (2) (cm) of the statutes is amended to read:

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

16 **SECTION 13.** 5.15 (2) (d) of the statutes is renumbered 5.15 (2) (d) (intro.) and
17 amended to read:

18 5.15 (2) (d) (intro.) Every municipality shall ~~make a good faith effort to~~
19 ~~accommodate the tentative plan submitted by the county or counties in which it is~~
20 ~~located under s. 59.10 (2) (a) or (3) (b) 1., and shall divide itself into wards~~ authorized
21 under par. (b) in such a manner that will permit the creation of county supervisory
22 districts in accordance with the ~~population requirements for the plan specified in~~
23 tentative plan submitted by the county or counties in which it is located under s.
24 59.10 (2) (a) or (3) (b) 1. unless the tentative plan would:

25 **SECTION 14.** 5.15 (2) (d) 1. to 5. of the statutes are created to read:

ASSEMBLY BILL 940

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

3 2. Require the creation of a ward composed of noncontiguous territory, except
4 territory which is separated from the municipality by another municipality or by
5 water, or both.

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

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

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

12 **SECTION 15.** 5.15 (2) (e) of the statutes is repealed.

13 **SECTION 16.** 5.15 (2) (f) of the statutes is repealed.

14 **SECTION 17.** 5.15 (2) (fm) of the statutes is created to read:

15 5.15 (2) (fm) If territory becomes a part of a city, village or town after the date
16 on which the county in which the territory is located adopts a tentative supervisory
17 district plan under s. 59.10 (2) (a) or (3) (b) 1., each parcel of contiguous territory
18 added to the city, village or town shall constitute a separate whole ward as of the date
19 on which the addition occurs. The territory shall continue to constitute a separate
20 whole ward until the city, village or town adopts a subsequent decennial ward plan,
21 unless the boundaries of the ward are adjusted to reflect an act of the legislature
22 redistricting legislative districts under article IV, section 3, of the constitution or
23 redistricting congressional districts.

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

ASSEMBLY BILL 940**SECTION 18**

1 5.15 (2) (g) If a block is affected by an a valid annexation or detachment which
2 establishes a municipal boundary that subdivides the block, the municipalities in
3 which the block is contained shall incorporate only the portion of the block contained
4 within their boundaries in their ~~ward plans~~ division ordinances or resolutions.

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

6 5.15 (4) (a) The division ordinance or resolution shall number all wards in the
7 municipality ~~in~~ with unique whole numbers in consecutive order, beginning with the
8 number one, shall designate the polling place for each ward, and shall describe the
9 boundaries of each ward consistent with the conventions set forth in s. 4.003. The
10 ordinance or resolution shall be accompanied by a list of the block numbers used by
11 the U.S. bureau of the census that are wholly or partly contained within each ward,
12 with any block numbers partly contained within a ward identified, and a map of the
13 municipality which illustrates the revised ward boundaries. If the legislature, in an
14 act redistricting legislative districts under article IV, section 3, of the constitution,
15 or in redistricting congressional districts, establishes a district boundary that does
16 not coincide with the boundary of a ward established under an ordinance or
17 resolution, the municipal governing body shall, no later than May 15 of the 2nd year
18 following the year of the federal decennial census of population on which the act is
19 based, amend the ordinance or resolution to reflect the act. The amended ordinance
20 or resolution shall designate the polling place for any ward that is created to reflect
21 the legislative act. If a municipality enacts a division ordinance or adopts a division
22 resolution that includes territory that is added to the municipality after the date on
23 which the county in which the territory is located adopts a tentative supervisory
24 district plan under s. 59.10 (2) (a) or (3) (b) 1., each ward that is comprised of the
25 added territory shall be consecutively numbered, beginning with the whole number

ASSEMBLY BILL 940

1 following the last number used in the decennial ward plan, in the sequence in which
2 the ward is added to the municipality, and shall bear the letter “A” following the ward
3 number.

4 **SECTION 20.** 5.15 (4) (b) of the statutes is amended to read:

5 5.15 (4) (b) Within 5 days after adoption or enactment of ~~an~~ a division ordinance
6 or resolution under this section or any amendment thereto, the municipal clerk shall
7 transmit file one copy of the ordinance or resolution ~~to~~ or the amendment with the
8 county clerk of each county in which the municipality is ~~contained~~ located,
9 accompanied by the list and map specified in par. (a). ~~If the population of the~~
10 ~~municipality exceeds 10,000, the municipal clerk shall furnish one copy to the~~
11 ~~legislative reference bureau at the same time~~ If a ward division includes territory
12 that was annexed to the municipality after January 1 of the year of the federal
13 decennial census of population, the municipal clerk shall identify, for each
14 annexation, the block number or numbers and the municipality or municipalities
15 from which the territory was detached. No later than 10 days after receipt of a copy
16 of a division ordinance or resolution, accompanied by the list and map specified in
17 par. (a), the county clerk shall file with the legislative reference bureau one copy of
18 the ordinance or resolution, accompanied by the list and map. Upon receipt, the
19 legislative reference bureau shall provide the board with one copy of each ordinance
20 or resolution received under this section, accompanied by the list and map. Each
21 copy filed under this paragraph shall identify the name of the municipality and the
22 county or counties in which it is located. A copy may be filed under this paragraph
23 either in electronic or paper format.

24 **SECTION 21.** 5.15 (4) (c) of the statutes is created to read:

ASSEMBLY BILL 940**SECTION 21**

1 5.15 (4) (c) If a municipal clerk fails to file a copy of a division ordinance or
2 resolution, accompanied by the list and map specified in par. (a), within the time
3 period prescribed under par. (b), the municipality is liable to the state for any
4 additional costs that are incurred by the elections board and by the legislature and
5 legislative service agencies in recording ward data and that are caused by the
6 untimely filing. If a county clerk fails to file a copy of a division ordinance or
7 resolution, accompanied by the list and map specified in par. (a), within the time
8 period prescribed under par. (b), the county is liable to the state for any additional
9 costs that are incurred by the elections board and by the legislature and legislative
10 service agencies in recording ward data and that are caused by the untimely filing.
11 The legislative reference bureau may compile all additional costs for which a
12 municipality or county is liable under this paragraph and may submit a statement
13 of these costs to the appropriate municipal or county clerk.

14 **SECTION 22.** 5.15 (5) of the statutes is repealed.

15 **SECTION 23.** 5.15 (6) (a) of the statutes is amended to read:

16 5.15 (6) (a) Following any municipality-wide special federal census of
17 population, the governing body of the municipality in which the special census was
18 held may, by ordinance or resolution, adjust the ward boundaries to correlate with
19 the results of the census, but no ward line adjustment may cross the boundary of an
20 assembly district. The municipal clerk shall transmit file copies of the ordinance or
21 resolution in compliance with sub. (4) (b).

22 **SECTION 24.** 5.15 (7) of the statutes is amended to read:

23 5.15 (7) If a new town is created or if part of a town is annexed to a city or village
24 during a decennial period after the period for ward adjustments under sub. (1) (b),
25 the town board of any the new town ~~to which territory is attached~~ or of the town from

ASSEMBLY BILL 940

1 which territory is detached, without regard to the time provisions of sub. (1) (b), may,
2 by ordinance or resolution, adjust the wards in that town, but no ward line
3 adjustment may cross the boundary of an assembly district. The town clerk shall
4 transmit file copies of the ordinance or resolution making the adjustment in
5 compliance with sub. (4) (b).

6 **SECTION 25.** 5.15 (8) of the statutes is amended to read:

7 5.15 (8) ~~Until divided, all~~ Every municipality that is divided into wards shall
8 hold all elections are held in the established wards, until adjusted or revised under
9 this section.

10 **SECTION 26.** 20.510 (1) (k) of the statutes is created to read:

11 20.510 (1) (k) *Ward data recording.* All moneys received from municipalities
12 under s. 5.15 (4) (c) for additional costs of recording ward data incurred by the board
13 as a result of late reports, to be used for that purpose.

14 **SECTION 27.** 59.10 (2) (a) of the statutes is amended to read:

15 59.10 (2) (a) *Composition; supervisory districts.* Within ~~60~~ 90 days after the
16 population count by census block, established in the decennial federal census of
17 population, and maps showing the location and numbering of census blocks become
18 available in printed form from the federal government or are published for
19 distribution by an agency of this state, but no later than July 1 following the year of
20 each decennial census, the board shall adopt and transmit to the governing body of
21 each city and village wholly or partially contained within the county a tentative
22 county supervisory district plan to be considered by the cities and villages when
23 dividing into wards. The tentative plan shall ~~specify the number of supervisors to~~
24 ~~be elected and shall~~ divide the county into a number of districts equal to the number
25 of supervisors, with each district substantially equal in population ~~and consisting of~~

ASSEMBLY BILL 940

1 contiguous whole wards. Except as otherwise provided in this paragraph, the board
2 shall develop and adopt the tentative plan in accordance with sub. (3) (b) 1. The
3 tentative plan shall not include provision for division of any census block, as utilized
4 by the U.S. bureau of the census in the most recent federal decennial census of
5 population, unless the block is bisected by a municipal boundary or unless a division
6 is required to enable creation of supervisory districts that are substantially equal in
7 population. The board shall adopt a final plan by enacting an ordinance in
8 accordance with sub. (3) (b) 2. to 4. Changes to the final plan shall be governed by
9 sub. (3) (c).

10 **SECTION 28.** 59.10 (3) (b) 1. of the statutes is amended to read:

11 59.10 (3) (b) 1. Within ~~60~~ 90 days after the population count by census block,
12 established in the decennial federal census of population, and maps showing the
13 location and numbering of census blocks become available in printed form from the
14 federal government or are published for distribution by an agency of this state, but
15 no later than July 1 following the year of each decennial census, each board shall
16 propose a tentative county supervisory district plan setting forth the number of
17 supervisory districts proposed by the board and tentative boundaries ~~or a description~~
18 ~~of boundary requirements~~, hold a public hearing on the proposed plan and adopt a
19 tentative plan. The proposed plan may be amended after the public hearing. The
20 tentative plan shall divide the county into a number of districts equal to the number
21 of supervisors, with each district being substantially equal in population. The board
22 shall solicit suggestions from municipalities concerning the development of an
23 appropriate plan. ~~The board shall transmit to each municipal governing body in the~~
24 ~~county the tentative plan that is adopted.~~ ~~Each district shall consist of whole wards~~
25 ~~or municipalities.~~ ~~Each district shall be designated to be represented by one~~

ASSEMBLY BILL 940

1 ~~supervisor, and all districts shall be substantially equal in population. and shall~~
2 ~~attempt to incorporate the suggestions to the extent feasible. Territory within each~~
3 ~~proposed supervisory district under the plan shall be contiguous, except that~~
4 ~~territory surrounded by water or noncontiguous territory that is separated by the~~
5 ~~territory of another municipality, by water or by both from the major part of the~~
6 ~~municipality to which the noncontiguous territory belongs may be combined with~~
7 ~~noncontiguous territory within the same municipality to form a supervisory district.~~
8 In the tentative plan, the board shall, whenever possible, place whole contiguous
9 municipalities or contiguous parts of the same municipality within the same district.
10 If the division of a municipality is sought by the board, the board shall provide with
11 the plan a written statement to the municipality affected by each proposed division
12 specifying the approximate location of the territory from which a ward is sought to
13 be created for contiguity purposes and the approximate population of the ward
14 proposed to effectuate the division The tentative plan shall not include provision for
15 division of any census block unless the block is bisected by a municipal boundary or
16 unless a division is required to enable creation of supervisory districts that are
17 substantially equal in population. The board shall transmit to each municipal
18 governing body in the county a copy of the tentative plan that is adopted.

19 **SECTION 29.** 59.10 (3) (b) 2. of the statutes is amended to read:

20 59.10 (3) (b) 2. Within ~~60~~ 180 days after every municipality in the county
21 ~~adjusts its wards under s. 5.15~~ the population count by census block, established in
22 the decennial federal census of population, and maps showing the location and
23 numbering of census blocks become available in printed form from the federal
24 government or are published for distribution by an agency of this state, the board
25 shall hold a public hearing and shall then adopt a final supervisory district plan,

ASSEMBLY BILL 940**SECTION 29**

1 numbering each district. Wards within each supervisory district created by the plan
2 shall be contiguous, except that one or more wards located within a city or village
3 which is wholly surrounded by another city or water, or both, may be combined with
4 one or more noncontiguous wards, or one or more wards or portions of wards
5 consisting of island territory as defined in s. 5.15 (2) (f) 3. surrounded by water or
6 noncontiguous territory that is separated by the territory of another municipality,
7 by water or by both from the major part of the municipality to which the
8 noncontiguous territory belongs may be combined with one or more noncontiguous
9 wards or portions of wards within the same municipality, to form a supervisory
10 district. Except as required to reflect a change authorized under s. 5.15 (2) (d) in a
11 municipal ward division and except as required under subd. 2m., the final plan shall
12 not be inconsistent with the tentative plan.

13 **SECTION 30.** 59.10 (3) (b) 2m. of the statutes is created to read:

14 59.10 (3) (b) 2m. The populations of supervisory districts under the tentative
15 plan shall be determined on the basis of the federal decennial census of population
16 and any official corrections to the census issued on or before the date that the
17 tentative plan is adopted to reflect the correct population of the county and
18 municipalities and blocks within the county on April 1 of the year of the census. The
19 populations of supervisory districts under the final plan shall be determined on the
20 basis of the federal decennial census of population and any official corrections to the
21 census to reflect the correct populations of the county and the municipalities and
22 blocks within the county on April 1 of the year of the census, if the corrections as they
23 affect any municipality are issued prior to division of the municipality into wards
24 under s. 5.15, or if a municipality is not divided into wards, prior to adoption of the

ASSEMBLY BILL 940

1 final plan. In this subdivision, an official correction does not include the substitution
2 of an estimate for an actual population count.

3 **SECTION 31.** 59.10 (3) (b) 4. of the statutes is amended to read:

4 59.10 (3) (b) 4. The chairperson of the board shall file a certified copy of the final
5 districting plan with the secretary of state. Upon receipt, the secretary of state shall
6 provide the legislative reference bureau with one copy of each final districting plan
7 received under this subdivision. Upon receipt, the legislative reference bureau shall
8 provide the state elections board with one copy of each final districting plan received
9 under this subdivision. A copy may be filed under this subdivision either in
10 electronic or paper format. Unless otherwise ordered under sub. (6), a plan enacted
11 and filed with the secretary of state under this paragraph, together with any
12 amendment enacted and filed under par. (c), remains in effect until the plan is
13 superseded by a subsequent plan enacted under this paragraph and a certified copy
14 of that plan is filed with the secretary of state.

15 **SECTION 32.** 59.10 (3) (c) of the statutes is renumbered 59.10 (3) (c) 1. and
16 amended to read:

17 59.10 (3) (c) 1. After the enactment of a plan of supervisory districts under par.
18 (b), the board may amend the plan to reflect a municipal incorporation, annexation,
19 detachment or consolidation ~~may serve as a basis for altering between federal~~
20 ~~decennial censuses the boundaries of supervisory districts, in the discretion of the~~
21 ~~board.~~ The number of supervisory districts in the county shall not be changed by any
22 action under this paragraph. ~~Any plan of county supervisory districts enacted under~~
23 ~~par. (b) may be amended under this paragraph but shall remain in effect as amended~~
24 ~~until superseded by another plan enacted by the board under par. (b) and filed~~
25 subdivision.

ASSEMBLY BILL 940

1 3. The chairperson of the board shall file a certified copy of any amended plan
2 under this paragraph with the secretary of state. Upon receipt, the secretary of state
3 shall provide the legislative reference bureau with one copy of the amended plan.
4 Upon receipt, the legislative reference bureau shall provide the state elections board
5 with one copy of the amended plan. A copy may be filed under this subdivision either
6 in electronic or paper format.

7 **SECTION 33.** 59.10 (3) (c) 2. of the statutes is created to read:

8 59.10 (3) (c) 2. Within 45 days after enactment or adoption of a revised division
9 ordinance or resolution under s. 5.15 (4) (a), the board shall amend the county
10 supervisory district plan under par. (b) to reflect any renumbering of the wards
11 specified in the plan.

12 **SECTION 34.** 59.10 (6) of the statutes is amended to read:

13 59.10 (6) ENFORCEMENT OF DIVISION REQUIREMENT. If a county fails to comply
14 with sub. (2) (a) or (3) (b), any municipality located in whole or in part within the
15 county or any elector of the county may submit to the circuit court for the county
16 within 14 days from the expiration of either ~~60-day~~ 90-day period under sub. (2) (a)
17 or (3) (b) a proposed tentative supervisory district plan or a final plan for creation of
18 supervisory districts in compliance with this section. If the court finds that the
19 existing division of the county into supervisory districts fails to comply with this
20 section, it shall review the plan submitted by the petitioner and after reasonable
21 notice to the county may promulgate the plan, or any other plan in compliance with
22 this section, ~~as a temporary supervisory district~~ and the plan shall be in effect until
23 superseded by ~~a districting~~ a plan adopted by the board in compliance with this
24 section.

25 **SECTION 35.** 62.08 (1) of the statutes is amended to read:

ASSEMBLY BILL 940

1 62.08 (1) Within 60 days after the wards have been readjusted under s. 5.15
2 (1) and (2) the common council of every city, including ~~any~~ every 1st class city of the
3 first class, shall redistrict the boundaries of its aldermanic districts, by an ordinance
4 introduced at a regular meeting of the council, published as a class 2 notice, under
5 ch. 985, and thereafter adopted by a majority vote of all the members of the council,
6 so that all aldermanic districts are as compact in area as possible and contain, as
7 nearly as practicable by combining contiguous whole wards, an equal number of
8 inhabitants according to the most recent decennial federal census of population. The
9 populations of the aldermanic districts shall be determined on the basis of the federal
10 decennial census of population and any official corrections to the census to reflect the
11 correct populations of the municipality and the census blocks within the
12 municipality on April 1 of the year of the census, if the corrections are issued prior
13 to division of the municipality into wards under s. 5.15. In this subsection, an official
14 correction does not include the substitution of an estimate for an actual population
15 count. Within 45 days after enactment or adoption of a revised division ordinance
16 or resolution under s. 5.15 (4) (a), the common council shall amend the aldermanic
17 district plan to reflect any renumbering of the wards specified in the plan.

18 **SECTION 36.** 62.08 (2) of the statutes is repealed.

19 **SECTION 37.** 66.021 (7) (b) of the statutes is repealed.

20 **SECTION 38.** 66.021 (8) (a) of the statutes is amended to read:

21 66.021 (8) (a) The clerk of a city or village which has annexed territory shall
22 file immediately with the secretary of state a certified copy of the ordinance,
23 certificate and plat, and shall send one copy to each company that provides any
24 utility service in the area that is annexed. The clerk shall also record the ordinance
25 with the register of deeds and file a signed copy of the ordinance with the clerk of any

ASSEMBLY BILL 940**SECTION 38**

1 affected school district. ~~Failure~~ Except as provided in this paragraph, failure to file,
2 record or send shall not invalidate the annexation and the duty to file, record or send
3 shall be a continuing one. ~~The~~ An annexation of territory that establishes a
4 municipal boundary that subdivides a census block is not valid until the clerk of the
5 city or village to which the territory is annexed files with the secretary of state the
6 certified copy of the ordinance, certificate and plat required under this paragraph,
7 together with a certified estimate of the population of the territory on the effective
8 date of the annexation, according to the latest federal decennial census of population.
9 Any ordinance that is filed, recorded or sent under this paragraph shall describe the
10 annexed territory and the associated population, and shall identify the census block
11 number or numbers of the annexed territory and the municipality or municipalities
12 from which the annexed territory was detached. The information filed with the
13 secretary of state shall be utilized in making recommendations for adjustments to
14 entitlements ~~under the federal revenue sharing program and~~ for distribution of
15 funds under ch. 79. The clerk shall certify annually to the secretary of state and
16 record with the register of deeds a legal description of the total boundaries of the
17 municipality as those boundaries existed on December 1, unless there has been no
18 change in the 12 months preceding.

19 **SECTION 39.** 66.021 (8) (b) of the statutes is amended to read:

20 66.021 **(8)** (b) Within 10 days of receipt of the ordinance, certificate and plat,
21 the secretary of state shall forward 2 copies of the ordinance, certificate and plat to
22 the department of transportation, one copy to the department of administration, one
23 copy to the department of revenue, one copy to the department of public instruction,
24 one copy to the department of commerce, one copy to the department of natural
25 resources, one copy to the department of agriculture, trade and consumer protection,

ASSEMBLY BILL 940

1 one copy to the legislative reference bureau and 2 copies to the clerk of the
2 municipality from which the territory was annexed. The secretary of state shall
3 provide the legislative reference bureau with one copy of any certified estimate of
4 population received under par. (a), along with any copies required under this
5 paragraph.

6 **SECTION 40.** 66.021 (8) (d) of the statutes is created to read:

7 66.021 (8) (d) A copy may be filed under this subsection either in electronic or
8 paper format.

9 **SECTION 41.** 66.021 (15) of the statutes is amended to read:

10 66.021 (15) ANNEXATION OF TOWN ISLANDS. Upon its own motion, a city or village
11 by a two-thirds vote of the entire membership of its governing body may enact an
12 ordinance annexing territory which comprises a portion of a town or towns and which
13 was completely surrounded by territory of the city or village on December 2, 1973.
14 The ordinance shall include all surrounded town areas except those exempt by
15 mutual agreement of all of the governing bodies involved. The annexation ordinance
16 shall contain a legal description of the territory and the name of the town or towns
17 from which the territory is detached and shall identify the census block number or
18 numbers of the territory. Upon enactment of the ordinance, the city or village clerk
19 immediately shall file 6 7 certified copies of the ordinance in the office of the secretary
20 of state, together with 6 7 copies of a scale map. The secretary of state shall forward
21 2 copies of the ordinance and scale map to the department of transportation, one copy
22 to the department of natural resources, one copy to the department of revenue and
23 one copy to the department of administration and one copy to the legislative
24 reference bureau. A copy may be filed under this subsection in either electronic or
25 paper format. This subsection does not apply if the town island was created only by

ASSEMBLY BILL 940**SECTION 41**

1 the annexation of a railroad right-of-way or drainage ditch. This subsection does
2 not apply to land owned by a town government which has existing town government
3 buildings located thereon. No town island may be annexed under this subsection if
4 the island consists of over 65 acres or contains over 100 residents. After December
5 2, 1973, no city or village may, by annexation, create a town area which is completely
6 surrounded by the city or village.

7 **SECTION 42.** 66.021 (16) of the statutes is repealed.

8 **SECTION 43.** 66.022 (6) of the statutes is repealed.

9 **SECTION 44.** 66.025 of the statutes is amended to read:

10 **66.025 Annexation of owned territory.** In addition to other methods
11 provided by law and subject to ss. 59.692 (7) and 66.023 (7), territory owned by and
12 lying near but not necessarily contiguous to a village or city may be annexed to a
13 village or city by ordinance enacted by the board of trustees of the village or the
14 common council of the city, provided that in the case of noncontiguous territory the
15 use of the territory by the city or village is not contrary to any town or county zoning
16 regulation. The ordinance shall contain the exact description of the territory
17 annexed territory and the ~~names of the towns~~ name of each town from which the
18 territory was detached, and shall identify the census block number or numbers of the
19 annexed territory. The ordinance shall operate to attach the territory to the village
20 or city upon the filing of ~~6~~ 7 certified copies thereof in the office of the secretary of
21 state, together with ~~6~~ 7 copies of a plat showing the boundaries of the territory
22 attached and any information concerning the population of the territory required
23 under s. 66.021 (8) (a). Two copies of the ordinance and plat shall be forwarded by
24 the secretary of state to the department of transportation, one copy to the
25 department of natural resources, one copy to the department of revenue ~~and~~, one

ASSEMBLY BILL 940

1 copy to the department of public instruction and one copy to the legislative reference
2 bureau. A copy may be filed under this subsection in either electronic or paper
3 format.

4 **SECTION 45.** 119.08 (1) (b) of the statutes is amended to read:

5 119.08 (1) (b) Within 60 days after the common council of the city enacts an
6 ordinance ~~determining the boundaries of the aldermanic districts in the city or~~
7 adopts a resolution under s. 5.15 (1) (b) dividing the city into wards following the
8 federal decennial census ~~under s. 62.08 (1),~~ the board shall, by vote of a majority of
9 the membership of the board, adopt an election district apportionment plan for the
10 election of board members which shall be effective until the city enacts a new
11 ordinance or adopts a new resolution under s. ~~62.08 (1)~~ redetermining the
12 aldermanic district 5.15 prescribing revised ward boundaries.

13

(END)