1999 DRAFTING REQUEST

Bill

Received: **03/24/2000**	Received By: **kuesejt**
Wanted: **03/27/2000**	Identical to LRB:
For: **Senate Chief Clerk 6-2517**	By/Representing: **Don Schneider**
This file may be shown to any legislator: NO	Drafter: **kuesej t**
May Contact:	Alt. Drafters: **rmarchan**

Subject:	**Elections - miscellaneous**	Extra Copies: **MES-1**
	Munis - miscellaneous	**SRM-1**
		Larry Barish - 1
		Pete Cannon - 1

Pre Topic:

No specific pre topic given

Topic:

Municipal subdistricting (A)

Instructions:

Per LRB-46592.

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Reauired
/?	kuesej t 03/24/2000	gilfokm 03/24/2000		_____ _____			S&L
/1			jfrantze 03/27/2000	_____ _____	lrb-docadmin 03/27/2000	lrb-docadmin 03/27/2000	

FE Sent For:

03-27-00 ("1")

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Per **LRB-4655/2.**

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Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	kuesej t 3 | 24		3/27	Self 3/27			

FE Sent For:

<END>

PA's Also send out for "FE" now

PA's Jacket For Assm now

Wanted Mon 3/27 - 9 AM

1999 BILL

1   AN **ACT** *repeal* 5.1(5), (2(f), 5.(5), ((2), 566.021 (7)2.08 (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;

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

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.

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

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

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 <u>ordinance or</u>

7 <u>resolution of</u> 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~~ <u>limitation</u> 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 <u>limitation</u> 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<u>, except as authorized</u>

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)~~

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 en 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.

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BILL   SECTION **5**

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   1   5   0   ,   °0   0   0   ,   e 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. <u>If a block is partly contained within the city, the</u>

24   <u>city shall divide the block to form a ward containing the portion of the block that lies</u>

25   <u>within the city.</u>

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 nonulation

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 nrovided 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 nonulation, 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 Dar. (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 nlan would:

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

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) l., 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:

1   5.15 (2) (g) If a block is affected by an ~~an~~ <u>a valid</u> 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~~ <u>division ordinances or resolutions</u>.

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~~ <u>with unique</u> 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. <u>If the legislature, in an</u>

14   <u>act redistricting legislative districts under article IV, section 3, of the constitution,</u>

15   <u>or in redistricting congressional districts, establishes a district boundary that does</u>

16   <u>not coincide with the boundary of a ward established under an ordinance or</u>

17   <u>resolution, the municipal governing body shall, no later than May 15 of the 2nd year</u>

18   <u>following: the year of the federal decennial census of population on which the act is</u>

19   <u>based, amend the ordinance or resolution to reflect the act. The amended ordinance</u>

20   <u>or resolution shall designate the polling place for any ward that is created to reflect</u>

21   <u>the legislative act. If a municipality enacts a division ordinance or adopts a division</u>

22   <u>resolution that includes territory that is added to the municipality after the date on</u>

23   <u>which the county in which the territory is located adopts a tentative supervisory</u>

24   <u>district plan under s. 59.10 (2) (a) or (3) (b) 1., each ward that is comprised of the</u>

25   <u>added territory shall be consecutively numbered, beginning: with the whole number</u>

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 letislative reference bureau one copy of

18   the ordinance or resolution, accompanied by the list and map. Upon receipt, the

19   letislative 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:

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BILL   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 <u>to correlate with</u>

19 <u>the results of the census</u>, but no ward line adjustment may cross the boundary of an

20 assembly district. The municipal clerk shall ~~transmit~~ <u>file</u> 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 <u>the new</u> town ~~to which territory is attached~~ or <u>of the town</u> from

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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 adiusted 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~~

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. <u>The</u>

3   <u>tentative plan shall not include provision for division of any census block, as utilized</u>

4   <u>by the U.S. bureau of the census in the most recent federal decennial census of</u>

5   <u>population, unless the block is bisected by a **municipal** boundary or unless a division</u>

6   <u>is required to enable creation of **supervisory** districts that are substantially **equal** in</u>

7   <u>population.</u> The board shall adopt a final plan by enacting an ordinance in

8   accordance with sub. (3) (b) 2. to 4. <u>Changes to the final plan shall be governed by</u>

9   <u>sub. (3) (c).</u>

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

11   59.10 (3) (b) 1. Within ~~60~~ <u>90</u> days after the population count by <u>census</u> 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 <u>proposed by the board</u> 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. <u>The</u>

20   <u>tentative plan shall divide the **county** into a number of districts equal to the number</u>

21   <u>of supervisors, with each district being substantially equal in population.</u> 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~~

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,

1   numbering each district. Wards within each supervisory district created by the plan

2   shall be contiguous, except that one or more wards ~~located withi~~ ████ ~~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~~ ███ ~~(2) (f) 3.~~ <u>surrounded by water or</u>

6   <u>noncontiguous territory that is separated by the territory of another municipality,</u>

7   <u>by water or by both from the major part of the municipality to which the</u>

8   <u>noncontiguous territory</u> 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. <u>Except as required to reflect a</u> change <u>authorized under s. 5.15 (2) (d) in a</u>

11   <u>municipal</u> ward division and <u>except</u> as required under subd. 2m., the final plan shall

12   <u>not be inconsistent with the tentative</u> 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

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.

1   3. The **chairperson** of the board shall file a certified **copy** of anv amended nlan

2   under this **paragraph** with the secretary of state. **Upon receipt, the secretary** of state

3   shall nrovide the legislative reference bureau with one **copy** of the amended nlan.

4   Upon receipt, the **legislative** reference bureau shall provide the state elections board

5   with one **copy** of the amended **plan.** A copy mav 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 sunervisory 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:

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

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 CODY of the ordinance. certificate and plat reauired 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,

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1   one <u>copy</u> to the <u>legislative reference bureau</u> and 2 copies to the clerk of the

2   municipality from which the territory was annexed. <u>The secretary of state shall</u>

3   <u>provide the legislative reference bureau with one copy of any certified estimate of</u>

4   <u>population received under par. (a), along with any copies required under this</u>

5   <u>paragraph.</u>

6   SECTION 40. 66.02103) (d) of the statutes is created to read:

7   66.02103) (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 <u>and shall identify the census block number or</u>

18   <u>numbers of the territory.</u> Upon enactment of the ordinance, the city or village clerk

19   immediately shall file ~~6~~ <u>7</u> certified copies of the ordinance in the office of the secretary

20   of state, together with ~~6~~ <u>7</u> 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 <u>and one copy to the legislative</u>

24   <u>reference bureau. A copy may be filed under this subsection in either electronic or</u>

25   <u>paper format</u>. This subsection does not apply if the town island was created only by

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 <u>territory</u> and the ~~names of the towns~~ <u>name of each town</u> from which <u>the</u>

18   <u>territory was</u> detached, and shall <u>identify the census block number or numbers of the</u>

19   <u>annexed territory. The ordinance shall</u> operate to attach the territory to the village

20   or city upon the filing of ~~6~~ <u>7</u> certified copies thereof in the office of the secretary of

21   state, together with ~~6~~ <u>7</u> copies of a plat showing the boundaries of the territory

22   attached <u>and any information concerning the nonulation of the territory reauired</u>

23   <u>under s. 66.021 (8) (a).</u> 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

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)**