LRBb1010

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: **06/15/2001**	Received By: **nelsorp1**
Wanted: **As time permits**	Identical to LRB:
For: **Senate Democratic Caucus**	By/Representing: **Keckhaver**
This file may be shown to any legislator: **NO**	Drafter: **nelsorp1**
May Contact:	Addl. Drafters: **kuesejt** **rmarchan**
Subject: **Courts - courts/judges**	Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

SDC:.......Keckhaver - CN6567,

Topic:

Create 2 judicial circuit court subdistricts in the county of Milwaukee

Instructions:

See Attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	nelsorp1 06/16/2001 kuesejt 06/16/2001	gilfokm 06/17/2001		———— ———— ———— ————			
/1			kfollet 06/17/2001	———— ————	lrb_docadmin 06/17/2001		

FE Sent For:

<END>

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Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	nelsorp1	/1 – 6/17 krng	kjt 6/17	kjt 6/17	klg		

FE Sent For:

<END>

Milwaukee County Circuit Court—Divide County into Two Judicial Districts

Agency: Courts

Description: Divides Milwaukee County into two districts (north and south), according to County Supervisory Districts and provides that circuit judges in Milwaukee County will be elected from either the Northern or Southern district upon completion of the term to which the judge in each current branch was elected. There are currently 47 circuit court branches in Milwaukee County and there are 25 County Supervisor seats, one district will be comprised of 13 Supervisory Districts, the other will be comprised of 12. (24 Judgeships will be elected from the district containing 13 supervisor seats and 23 will be elected from the district containing 12.)

Fiscal Effect: None

(New provision)

Agency: Circuit Courts

caucus number 6510

duplicate flag:

duplicate with:

Other reference numbers:

LFB Sum #:

bill number/amendment number:

LRB draft #   b0589/1

LRB P-draft:

other notes

Description2: Convert the Director of State Courts appropriation from annual to biennial.

drafting instructions:

more instructions:

no attachment

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caucus number 6567

duplicate flag:

duplicate with:

Other reference numbers:

LFB Sum #:

bill number/amendment number:

LRB draft #

LRB P-draft:

other notes

Description2: Divide Milw. Cnty into 2 circuit court districts by supervisory districts.

drafting instructions:

more instructions:

RPN

Agency: **Circuit Courts**

Number of Amendments: 2

Circuit Courts

Milwaukee County Circuit Court—Divide County into Two Judicial Districts

Agency: Courts

Description: Divides Milwaukee County into two districts (north and south), according to County Supervisory Districts and provides that circuit judges in Milwaukee County will be elected from either the Northern or Southern district upon completion of the term to which the judge in each current branch was elected. There are currently 47 circuit court branches in Milwaukee County and there are 25 County Supervisor seats, one district will be comprised of 13 Supervisory Districts, the other will be comprised of 12. (24 Judgeships will be elected from the district containing 13 supervisor seats and 23 will be elected from the district containing 12.)

Fiscal Effect: None

(New provision)

AMDT TO BUDGET SUB AMDT

See form **AMENDMENTS — COMPONENTS & ITEMS.**

SENATE AMENDMENT
~~TO SENATE AMENDMENT~~
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55

At the locations indicated, amend the substitute amendment [amendment] as follows:

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

SENATE AMENDMENT

TO 2001 SENATE BILL 55

INSERT A

1   At the locations indicated, amend the bill as follows:

2   **1.** Page 1627, line 24, after that line insert:

3   "**SECTION 3773m.** 753.015 of the statutes is created to read:

4   **753.015 Elections of circuit judges.** (1) Except as provided in sub. (2),

5   circuit judges shall be elected by qualified electors of the circuit on a countywide

6   basis. Except as provided in sub. (2), a circuit judge shall reside in the circuit in which

7   he or she is elected.

8   (2) The circuit judges for branches 1 to 24 in the 1st judicial administrative

9   district shall be elected from a judicial subdistrict designated as judicial subdistrict

10   A. The circuit judges for branches 25 to 47 in the 1st judicial administrative district

11   shall be elected from a judicial subdistrict designated as judicial subdistrict B. A

12   circuit judge in the 1st judicial administrative district shall reside in the judicial

13   subdistrict from which he or she is elected. Within 30 days after Milwaukee County

1   adopts a final plan adjusting its supervisory districts under s. 59.10 (2) (a), the

2   Milwaukee County board of supervisors shall, to the extent possible, adjust the

3   designation of the supervisory districts that the judicial subdistricts are composed

4   of so that substantially the same territory exists in judicial subdistricts "A" and "B" as

5   existed before the supervisory districts were adjusted. The adjusted subdistricts

6   shall apply to the election of a circuit judge at the spring election following the

7   adjustment.".

8   **2.** Page 1322, line 15, after that line insert:

9   "(1w) ELECTION OF CIRCUIT COURT JUDGES.

10   (a) The initial boundary of judicial subdistrict "A" created under section 753.015 (2) of

11   the statutes, as created by this act, is the boundary that encloses Milwaukee County

12   supervisory districts 1 to 7, 9, 10, 13, 15, 18, and 25 as of January 1, 2001. The

13   initial boundary of judicial subdistrict "B" created under section 753.015 (2) is the boundary

14   that encloses Milwaukee County supervisory districts 8, 11, 12, 14, 16, 17, 19, and

15   20 to 24 as of January 1, 2001. These boundaries apply until Milwaukee County

16   initially adjusts the judicial subdistrict boundaries under section 753.015 (2) of the

17   statutes, as created by this act, based on the 2000 federal decennial census of

18   population.

19   (b) Notwithstanding paragraph (a), and section 753.015 (2) of the statutes, as

20   created by this act, if Milwaukee County adopts a final plan adjusting its supervisory

21   districts under section 59.10 (2) (a) of the statutes based on the results of the 2000

22   federal decennial census of population before the effective date of this paragraph, the

23   Milwaukee County board of supervisors shall, by November 1, 2001, to the extent

24   possible designate the supervisory districts that the judicial subdistricts are

) to the extent possible,

1 composed of so that substantially the same territory exists in judicial subdistricts "A"

2 and "B" as existed in judicial subdistricts "A" and "B" described in paragraph (a).".

3 **3.** Page 1396, line 16: after that line insert:

4 "(7c) ELECTION OF CIRCUIT COURT JUDGES. The treatment of section 753.015 of   _8.11(2) and_

5 the statutes and SECTION 9109 (1w) of this act first apply to circuit judge elections that

6 occur after the effective date of this subsection.".   _the election of circuit court judges at the 2002 spring election_

7   **(END)**

INSERT *A*

1. Page 3, line 3: after that line insert:

"**Section 93m.** 8.11 (2) of the statutes is amended to read:

8.11 **(2)** ~~Milwaukee County.~~ (Populous counties) A primary shall be held in counties having a population of 500,000 or more whenever there are more than twice the number of candidates to be elected ~~to any judicial office within the county or~~ to the county board of supervisors from any one district <u>or to any judicial office within the county, except that in Milwaukee County a primary shall be held whenever there are more than twice the number of candidates to be elected to the office of circuit court judge from any one judicial subdistrict under s. 753.015 (2)</u>.".

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0711/1dn

RPN:01:pg

/RJM/JTK   KMG

b1010/1 dn

June 13, 2001

Dan:

Attached is a map of the supervisory districts I used to create the first set of judicial subdistricts. Do you want to change any of the designated supervisory districts? Another possible way to draw the two judicial subdistricts is to have the dividing line be the interstate. That creates a clear line that will not change as the population shifts and is relatively easy to draft and understand, but does not follow election jurisdiction boundaries.

As I mentioned to you, article 7, section 6, of the Wisconsin Constitution requires circuit court boundaries to be bounded by county lines. This draft does not follow that requirement and therefore may be unconstitutional.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us

QUOTE
INSERT

[handwritten in ovals:] Quote Insert

2. Proposed s. 753.015, stats., contained in this draft, which creates judicial subdistricts in Milwaukee County based on territory rather than equal population, may be challengeable as offending the equal protection clause of the 14th Amendment. In *Kramer v. Union Free Sch. Dist. No 15*, 89 S.Ct. 1886 (1969), the U.S. Supreme Court held that the one–person, one–vote principle extends to elective units of government with or without legislative authority. To the extent that circuit court judges in Milwaukee County are vested with governmental powers that have a broad range of impacts on all citizens in Milwaukee County, their election may be subject to the one–person, one–vote rule.

This issue could be avoided by requiring the judicial subdistricts created under the draft to be substantially equal in population. This requirement could be imposed in addition to the requirements that the judicial subdistricts be composed of whole supervisory districts and substantially the same territory as currently provided under the draft (provided the judicial subdistricts created under the draft currently are substantially equal in population). However, ~~by adding~~ this requirement, the draft would limit the options available to Milwaukee County during the process of redistricting its supervisory districts.

3. This draft assumes that the budget will become law by November 1, 2001. See proposed SECTIONS 9109 (1e) (b) and 9309 (7e). If it appears as though the budget will become law after that date, this draft will need to be adjusted so that it first applies to the 2003 spring election rather than the 2002 spring election.

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Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266–6778

[handwritten marginal note:] were added and the requirement was retained for judicial subdistricts to be composed of whole supervisory districts

June 17, 2001

1. Article 7, section 6, of the Wisconsin Constitution requires circuit court boundaries to be bounded by county lines. This draft does not follow that requirement.

2. Proposed s. 753.015, stats., contained in this draft, which creates judicial subdistricts in Milwaukee County based on territory rather than equal population, may be challengeable as offending the equal protection clause of the 14th Amendment. In *Kramer v. Union Free Sch. Dist. No 15*, 89 S.Ct. 1886 (1969), the U.S. Supreme Court held that the one–person, one–vote principle extends to elective units of government with or without legislative authority. To the extent that circuit court judges in Milwaukee County are vested with governmental powers that have a broad range of impacts on all citizens in Milwaukee County, their election may be subject to the one–person, one–vote rule.

This issue could be avoided by requiring the judicial subdistricts created under the draft to be substantially equal in population. This requirement could be imposed in addition to the requirements that the judicial subdistricts be composed of whole supervisory districts and substantially the same territory as currently provided under the draft (provided the judicial subdistricts created under the draft currently are substantially equal in population). However, if this requirement were added and the requirement was retained for judicial subdistricts to be composed of whole supervisory districts, the draft would limit the options available to Milwaukee County during the process of redistricting its supervisory districts.

3. This draft assumes that the budget will become law by November 1, 2001. See proposed SECTIONS 9109 (1w) (b) and 9309 (7w). If it appears as though the budget will become law after that date, this draft will need to be adjusted so that it first applies to the 2003 spring election rather than the 2002 spring election.

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SDC:.......Keckhaver – CN6567, Create 2 judicial circuit court subdistricts in the county of Milwaukee

FOR 2001–03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1   At the locations indicated, amend the substitute amendment as follows:

2   **1.** Page 3, line 3: after that line insert:

3   "**SECTION 93m.** 8.11 (2) of the statutes is amended to read:

4   8.11 **(2)** M̶I̶L̶W̶A̶U̶K̶E̶E̶ ̶C̶O̶U̶N̶T̶Y̶ POPULOUS COUNTIES. A primary shall be held in

5   counties having a population of 500,000 or more whenever there are more than twice

6   the number of candidates to be elected t̶o̶ ̶a̶n̶y̶ ̶j̶u̶d̶i̶c̶i̶a̶l̶ ̶o̶f̶f̶i̶c̶e̶ ̶w̶i̶t̶h̶i̶n̶ ̶t̶h̶e̶ ̶c̶o̶u̶n̶t̶y̶ ̶o̶r̶ to

7   the county board of supervisors from any one district or to any judicial office within

8   the county, except that in Milwaukee County a primary shall be held whenever there

9   are more than twice the number of candidates to be elected to the office of circuit court

10   judge from any one judicial subdistrict under s. 753.015 (2).".

1   **2.** Page 1182, line 6: after that line insert:

2   "**SECTION 3773m.** 753.015 of the statutes is created to read:

3   **753.015 Election of circuit judges.** **(1)** Except as provided in sub. (2), circuit

4   judges shall be elected by the qualified electors of the circuit on a countywide basis.

5   Except as provided in sub. (2), a circuit judge shall reside in the circuit in which he

6   or she is elected.

7   **(2)** The circuit judges for branches 1 to 24 in the 1st judicial administrative

8   district shall be elected from a judicial subdistrict, composed of whole supervisory

9   districts, designated as judicial subdistrict "A". The circuit judges for branches 25

10   to 47 in the 1st judicial administrative district shall be elected from a judicial

11   subdistrict, composed of whole supervisory districts, designated as judicial

12   subdistrict "B". A circuit judge in the 1st judicial administrative district shall reside

13   in the judicial subdistrict from which he or she is elected. Within 30 days after

14   Milwaukee County adopts a final plan adjusting its supervisory districts under s.

15   59.10 (2) (a), the Milwaukee County board of supervisors shall, to the extent possible,

16   adjust the designation of the supervisory districts that the judicial subdistricts are

17   composed of so that substantially the same territory exists in judicial subdistricts "A"

18   and "B" as existed before the supervisory districts were adjusted. The adjusted

19   subdistricts shall apply to the election of a circuit judge at the spring election

20   following the adjustment.".

21   **3.** Page 1322, line 15: after that line insert:

22   "(1w) ELECTION OF CIRCUIT COURT JUDGES.

23   (a) The initial boundary of judicial subdistrict "A" created under section

24   753.015 (2) of the statutes, as created by this act, is the boundary that encloses

1   Milwaukee County supervisory districts 1 to 7, 9, 10, 13, 15, 18, and 25 as of January

2   1, 2001.   The initial boundary of judicial subdistrict "B" created under section

3   753.015 (2) is the boundary that encloses Milwaukee County supervisory districts 8,

4   11, 12, 14, 16, 17, 19, and 20 to 24 as of January 1, 2001. These boundaries apply until

5   Milwaukee County initially adjusts the judicial subdistrict boundaries under section

6   753.015 (2) of the statutes, as created by this act.

7   (b) Notwithstanding paragraph (a), and section 753.015 (2) of the statutes, as

8   created by this act, if Milwaukee County adopts a final plan adjusting its supervisory

9   districts under section 59.10 (2) (a) of the statutes based on the results of the 2000

10   federal decennial census of population before the effective date of this paragraph, the

11   Milwaukee County board of supervisors shall, by November 1, 2001, designate the

12   supervisory districts that the judicial subdistricts are composed of so that, to the

13   extent possible, substantially the same territory exists in judicial subdistricts "A"

14   and "B" as existed in judicial subdistricts "A" and "B" described in paragraph (a).".

15   **4.** Page 1396, line 6: after that line insert:

16   "(7w) ELECTION OF CIRCUIT COURT JUDGES. The treatment of sections 8.11 (2) and

17   753.015 of the statutes and SECTION 9109 (1w) of this act first apply to the election

18   of circuit court judges at the 2002 spring election.".

19   **(END)**