2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB606)

Received: **02/05/2004**

Received By: **jkuesel**

Wanted: **Soon**

Identical to LRB:

For: **Gregg Underheim (608) 266-2254**

By/Representing: **him**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Counties - miscellaneous**
Elections - miscellaneous
Redistricting

Extra Copies: **MES - 1**

Submit via email: **YES**

Requester's email: **Rep.Underheim@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

A Sub to AB-606

Instructions:

1. Delete committee; require approval by county board. 2. Number of seats must conform to number approved in referendum. Groups circulating petition must register with filing officer and must file petition within 60 days after circulation begins. If another group files within 14 days of the 60-day deadline, the question posed by that group shall also appear on the same ballot. 3. Alternate petitions may be filed within 60 days of original petition. 4. Referendum to approve change must be held no later than the spring election preceding the one at which it is implemented. 5. No change may be effective until at least one board has been elected under county board's original plan. 6. If city and county districts are coterminus, city may redistrict to conform to county's redistricting. 7. Once change is approved at a referendum, no further referendum may be held until after the next federal decennial census.

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	jkuesel 02/06/2004	kgilfoy 02/09/2004		_____ _____			
/1			rschluet 02/09/2004	_____ _____	lemery 02/09/2004	lemery 02/09/2004	

FE Sent For:

<END>

DNS 25

LRBs0338

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Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/? /1	jkuesel 2/6						

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required

FE Sent For:

<END>

DNOTE

WANTED MON 2/9

2003 – 2004 LEGISLATURE

LRB-~~2815/2~~ S0338/1

JTK:kmg:jf

ASSEMBLY SUBSTITUTE AMDT

to

2003 ASSEMBLY BILL 606

October 23, 2003 – Introduced by Representatives UNDERHEIM, SUDER, F. LASEE, BIES, LEMAHIEU, NASS and ALBERS, cosponsored by Senators KANAVAS, KEDZIE and RISSER. Referred to Committee on Urban and Local Affairs.

AN ACT (regenerate) ~~to amend~~ 59.10 (3) (c) (title); and ~~to create~~ 59.10 (3) (cm) of the statutes; and the common council in certain cities

relating to: the size of the county board of supervisors in certain counties.

Analysis by the Legislative Reference Bureau

Current law requires each county board to redistrict its supervisory districts once every ten years based on the results of the decennial federal census, except that in counties having a population of 500,000 or more (currently only Milwaukee County) the board may, after enactment of a decennial redistricting plan, redistrict to reduce the size of the board not more than once prior to November 15, 2010.

This ~~bill~~ substitute amendment permits the board of supervisors of any county with a population of less than 500,000, except a county having only one town (currently, all counties except Milwaukee and Menominee) to decrease the number of supervisors on the board and adopt a new redistricting plan during the ten–year period between the adoption of decennial redistricting plans. The ~~bill~~ requires the redistricting plan to satisfy certain criteria that also apply to decennial redistricting plans. For example, the ~~bill~~ requires the districts created under the redistricting plan to be substantially equal in population and in as compact a form as possible, and requires each district to contain whole contiguous municipalities or contiguous parts of the same municipality. The ~~bill~~ further requires the districts to consist of contiguous whole wards in existence at the time at which the redistricting plan is adopted and requires the original numbers of the districts in their geographic outlines, to the extent possible, to be retained.

The ~~bill~~ also permits the electors of any county whose board is permitted to enact an intradecade redistricting plan to require the enactment of such a plan by

at any time after the first election is held following enactment of a decennial redistricting plan

INS 2C

a percent

the county board must enact

petition and referendum. A petition must be signed by a number of electors of the county equal to at least 25% of the total votes cast for the office of supervisor at the most recent supervisory election. If a valid petition is filed, a referendum must be held at the next regularly scheduled election in the county that follows the date of filing by at least 42 days. The question must specify the proposed number of members of the board. If the question is approved, ~~a committee consisting of one person appointed by the chairperson of the board and two persons appointed by the county clerk enacts~~ an ordinance prescribing revised boundaries for the supervisory districts in the county in accordance with the approved question at the referendum. The districts are subject to the same requirements that apply to districts created by the board in an intradecade plan enacted by the board.

INS 2B

INS 2A

Under the bill, supervisors are elected from the districts created under any intradecade redistricting plan at the next spring election when supervisors would normally be elected.

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

SECTION 1. 59.10 (3) (c) (title) of the statutes is amended to read:

59.10 **(3)** (c) (title) *Changes during decade; municipal boundary adjustments.*

SECTION 2. 59.10 (3) (cm) of the statutes is created to read:

59.10 **(3)** (cm) *Changes during decade; reduction in size.* 1. 'Number of supervisors; redistricting.' The board may decrease the number of supervisors after the enactment of a supervisory district plan under par. (b). In that case, the board shall redistrict, readjust, and change the boundaries of supervisory districts, so that the number of districts equals the number of supervisors, the districts are substantially equal in population according to the most recent countywide federal census, the districts are in as compact a form as possible, and the districts consist of contiguous whole wards in existence at the time at which the redistricting plan is adopted. In the redistricting plan, the board shall adhere to the requirements under par. (b) 2. and 3. with regard to contiguity and shall, to the extent possible, place whole contiguous municipalities or contiguous parts of the same municipality within

the same district. In redistricting under this subdivision, the original numbers of the districts in their geographic outlines, to the extent possible, shall be retained. No plan may be enacted under this subdivision during review of the sufficiency of a petition filed under subd. 2. nor after a referendum is scheduled on such a petition. However, if the electors of the county reject a change in the number of supervisory districts under subd. 2., the board may then take action under this subdivision. The county clerk ~~chairperson of the board~~ shall file a certified copy of any redistricting plan ~~adopted~~ enacted under this subdivision with the secretary of state.

2. 'Petition and referendum.' The electors of ~~the~~ a county may, by petition and referendum, decrease the number of supervisors at any time after the first election is held following enactment of a decennial supervisory district plan under par. (b). ~~The~~ A petition for a change in the number of supervisors may be filed with the county clerk. The petition shall specify the proposed number of supervisors to be elected. ~~The~~ Each petition shall be in the form ~~specified in s.~~ 8.40 and shall contain a number of signatures of electors of the county equal to at least 25% of the total votes cast in the county for the office of supervisor at the most recent spring election preceding the date of filing. ~~Any signatures on the petition that are dated later than 50 days after the date of the earliest signature on the petition are invalid.~~ The county clerk shall promptly determine the sufficiency of a petition filed under this subdivision. Upon determination that a petition is sufficient, or if one or more valid alternative petitions are filed, upon determination that the petitions are sufficient, the county clerk shall call a referendum concurrently with the next ~~regularly scheduled~~ spring or general election in the county that is held not earlier than 42 days after the determination is made. The question proposed at the referendum shall be: "Shall the Board of Supervisors of .... County be decreased from .... members to .... members?". If the question is approved by a majority of the electors voting on the question, or if more than one question is submitted, if the first question is approved by a majority of the electors voting on the question, ~~a committee consisting of one person appointed by the chairperson of the board and 2 persons appointed by the county clerk~~ the board shall enact an ordinance prescribing revised boundaries for the supervisory districts in the county. The ordinance shall be enacted

FNS 3-10

FNS 3-11

percent

FNS 3-21

electors

accordance with the approved question. Or, if more than one question is submitted, in accordance with the choice receiving a plurality of the votes cast. The districts are subject to the same requirements that apply to districts in any plan enacted by the board under subd. 1. The county clerk shall file a certified copy of any redistricting plan ~~adopted~~ enacted under this subdivision with the secretary of state.

INS 4-4

INS 4-15

3. 'Election; term.' ~~Except as otherwise provided in this subdivision,~~ any redistricting plan ~~enacted~~ under subd. ~~1. or~~ 2. that ~~becomes effective before November 1~~ is approved at a spring election shall be enacted no later than November 15 following that election and shall first apply to the election of supervisors at the next spring election immediately preceding the expiration of the terms of office of supervisors in the county ~~first applies to the spring election following the plan's effective date at which supervisors are regularly elected in the county; otherwise, the plan first applies to the 2nd succeeding spring election following the plan's effective date at which supervisors are regularly elected in the county.~~ and any redistricting plan under subd. ~~1. or~~ 2. that is approved at a general election shall be enacted no later than the 2nd succeeding November 15 following that election and shall first apply to the election of supervisors at the next spring election following that November 15 immediately preceding the expiration of the terms of office of supervisors in the county. If a question is approved at a referendum held under subd. 2., no subsequent plan under subd. 1. ~~or~~ 2. may take effect before 2 years have elapsed after the first spring election at which supervisors are elected ~~effective date of the plan~~ ~~enacted~~ pursuant to the ~~referendum~~ plan. Any redistricting plan enacted under subd. 1. or 2. shall remain in effect until the effective date of a subsequent redistricting plan enacted under subd. 1. ~~or 2.~~ or until the effective date of a redistricting plan subsequently enacted under par. (b). Supervisors elected from the districts created under subd. 1. or 2. shall serve for 2–year terms and shall take office on the 3rd Monday in April following their election.

(END)

INS 4-19

INS 2A:

Under the substitute amendment, if a plan is enacted by the county board without a referendum, the plan takes effect on November 15 following its enactment and first applies at the next election immediately preceding the expiration of terms of office of supervisors in the county. If a plan is enacted pursuant to a referendum, the county board has until November 15 following the date of the referendum, or if the referendum is held at a November general election, until the 2nd November 15 following the date of the referendum to enact a plan. The plan then applies to the election of supervisors at the next election following that November 15 immediately preceding the expiration of terms of office of supervisors in the county. The substitute amendment permits the number of supervisors in a county to be decreased by petition and referendum only one time after each federal decennial census.

The substitute amendment also provides that if in a city that is solely contained within one county the aldermanic districts are coterminous with supervisory districts, the common council may revise the boundaries of aldermanic districts to maintain coterminous boundaries between aldermanic and supervisory districts, and may change the expiration date of the terms of any council member to an earlier date than the date provided under current ordinance if required to implement the redistricting or to maintain staggered terms.

the

INS 2B:

No ¶ The substitute amendment also provides that within 14 days after the last day for filing of an original petition one or more alternative petitions may be filed specifying a different number of supervisors to be elected. In this case, the electors may first choose whether to support decreasing the size of the board and if so, whether to support the proposed size of the board specified in one of the petitions. The size of the board must conform to the choice winning a plurality of the votes cast.

INS 2C:

No ¶ Before circulating a petition, the petitioner must register with the county clerk. Each signature on a petition must be obtained within the 60–day period following registration.

INS 3–10:

NOA Prior to circulating a petition to decrease the number of supervisors in any county, a petitioner shall register with the county clerk, giving the petitioner's name and address and indicating the petitioner's intent to file such a petition. No signature on a petition is valid unless the signature is obtained within the 60–day period following such registration.

INS 3–11:

NOA Within 14 days after the last day for filing an original petition, any other petitioner may file an alternative petition with the county clerk proposing a different number of supervisors to be elected, and if the petition is valid, both questions shall be submitted at the same referendum. An alternative petition is subject to the same registration and signature requirements as an original petition.

INS 3–21:

NOA If one or more alternative valid petitions are filed within 14 days after the last day that an original petition may be filed, the question relating to the number of supervisors shall appear separately. The first question shall be "Shall the size of the county board of supervisors of .... County be decreased from its current membership of .... members?". The subsequent questions shall be "If so, shall the size of the board be decreased to .... members?". Each elector may vote in the affirmative or negative on the first question and may then vote in the affirmative on one of the remaining

questions. If the first question is not approved by a majority of the electors voting on the question, the 2nd question is of no effect.

INS 4–4:

NOA If the number of supervisors in a county is decreased by petition under this subdivision, no further petition may be filed under this subdivision in that county until after enactment of the next decennial plan by the board under par. (b).

INS 4–5:

NOA Any redistricting plan enacted under subd. 1. takes effect on November 15 following its enactment and first applies to the election of supervisors at the next spring election following the effective date that immediately precedes the expiration of the terms of office of supervisors in the county.

INS 4–19:

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

62.08 **(4)** The common council of any city may, by a two–thirds vote of all its members but not more frequently than once in 2 years, increase or decrease the number of aldermanic districts or the number of members of the city council, and in that case shall redistrict, readjust and change the boundaries of aldermanic districts, so that they are as nearly equal in population according to the most recent city–wide federal census as practicable by combining contiguous whole wards. In redistricting such cities the original numbers of the aldermanic districts in their geographic

outlines shall as far as possible be retained, and the aldermanic districts so created and those the boundaries of which are changed shall be in as compact form as possible. This subsection does not apply to changes in aldermanic districts authorized under sub. (4m).

History: 1971 c. 304, 336; 1973 c. 12; 1979 c. 260; 1981 c. 4; 1985 a. 304; 1991 a. 316.

SECTION 2. 62.08 (4m) of the statutes is created to read:

62.08 **(4m)** If in a city that is solely contained within one county the aldermanic districts are coterminous with the supervisory districts of the county and the county board decreases the number of supervisors in the county after enactment of a decennial redistricting plan under s. 59.10 (3) (cm), the common council of the city may, by a majority vote of the council, no later than November 15 immediately preceding the expiration of the terms of office of members of the council, decrease the number of aldermanic districts and the corresponding number of members of the council in the city to maintain coterminous boundaries between the aldermanic and supervisory districts and may change the expiration date of the term of any council member to an earlier date than the date provided under the current ordinance if required to implement the redistricting or to maintain classes of members.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0338/1dn
JTK...:...

Representative Underheim:

Current statutes do not appear to mention the practice of combining aldermanic and supervisory offices. This draft therefore provides in proposed s. 62.08 (4m) that if aldermanic districts in a city are coterminous with supervisory districts, the common council may, apart from its existing authority to redistrict under s. 62.08 (4), stats., change the boundaries of aldermanic districts to maintain coterminous boundaries with supervisory districts. Because there may be some delay in doing so after a county board acts and because in some cities members of the common council serve for staggered 4–year terms, the draft also provides that if the council decides to maintain coterminous boundaries it may decrease the length of the terms of office of some council members if required to implement the revised boundaries and to maintain staggered terms. Please let me know if this is not in accord with your intent.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0338/1dn
JTK:kmg:rs

February 9, 2004

Representative Underheim:

Current statutes do not appear to mention the practice of combining aldermanic and supervisory offices. This draft therefore provides in proposed s. 62.08 (4m) that, if aldermanic districts in a city are coterminous with supervisory districts, the common council may, apart from its existing authority to redistrict under s. 62.08 (4), stats., change the boundaries of aldermanic districts to maintain coterminous boundaries with supervisory districts. Because there may be some delay in doing so after a county board acts and because in some cities members of the common council serve for staggered 4–year terms, the draft also provides that if the council decides to maintain coterminous boundaries it may decrease the length of the terms of office of some council members if required to implement the revised boundaries and to maintain staggered terms. Please let me know if this is not in accord with your intent.

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Managing Attorney
Phone: (608) 266–6778