# SENATE SUBSTITUTE AMENDMENT 1,

# TO 2003 SENATE BILL 351

AN ACT *to amend* 59.10 (3) (c) (title) and 62.08 (4); and *to create* 59.10 (3) (cm) and 62.08 (4m) of the statutes; **relating to:** the size of the county board of supervisors in certain counties and the common council in certain cities.

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## *Analysis by the Legislative Reference Bureau*

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

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

2    59.10 **(3)** (c) (title) *Changes during decade<u>; municipal boundary adjustments</u>.*

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

4    59.10 **(3)** (cm) *Changes during decade; reduction in size.* 1. 'Number of

5    supervisors; redistricting.' The board may decrease the number of supervisors after

6    the enactment of a supervisory district plan under par. (b). In that case, the board

1     shall redistrict, readjust, and change the boundaries of supervisory districts, so that

2     the number of districts equals the number of supervisors, the districts are

3     substantially equal in population according to the most recent countywide federal

4     census, the districts are in as compact a form as possible, and the districts consist of

5     contiguous whole wards in existence at the time at which the redistricting plan is

6     adopted.  In the redistricting plan, the board shall adhere to the requirements under

7     par. (b) 2. and 3. with regard to contiguity and shall, to the extent possible, place

8     whole contiguous municipalities or contiguous parts of the same municipality within

9     the same district.  In redistricting under this subdivision, the original numbers of the

10    districts in their geographic outlines, to the extent possible, shall be retained.  No

11    plan may be enacted under this subdivision during review of the sufficiency of a

12    petition filed under subd. 2. nor after a referendum is scheduled on such a petition.

13    However, if the electors of the county reject a change in the number of supervisory

14    districts under subd. 2., the board may then take action under this subdivision.  The

15    county clerk shall file a certified copy of any redistricting plan enacted under this

16    subdivision with the secretary of state.

17        2.  'Petition and referendum.'  The electors of a county may, by petition and

18    referendum, decrease the number of supervisors at any time after the first election

19    is held following enactment of a decennial supervisory district plan under par. (b).

20    A petition for a change in the number of supervisors may be filed with the county

21    clerk.  Prior to circulating a petition to decrease the number of supervisors in any

22    county, a petitioner shall register with the county clerk, giving the petitioner's name

23    and address and indicating the petitioner's intent to file such a petition.  No

24    signature on a petition is valid unless the signature is obtained within the 60–day

25    period following such registration.  The petition shall specify the proposed number

1    of supervisors to be elected.  Within 14 days after the last day for filing an original

2    petition, any other petitioner may file an alternative petition with the county clerk

3    proposing a different number of supervisors to be elected, and, if the petition is valid,

4    both questions shall be submitted at the same referendum.  An alternative petition

5    is subject to the same registration and signature requirements as an original

6    petition.  Each petition shall be in the form specified in s. 8.40 and shall contain a

7    number of signatures of electors of the county equal to at least 25 percent of the total

8    votes cast in the county for the office of supervisor at the most recent spring election

9    preceding the date of filing.  The county clerk shall promptly determine the

10   sufficiency of a petition filed under this subdivision.  Upon determination that a

11   petition is sufficient, or if one or more valid alternative petitions are filed, upon

12   determination that the petitions are sufficient, the county clerk shall call a

13   referendum concurrently with the next spring or general election in the county that

14   is held not earlier than 42 days after the determination is made.  The question

15   proposed at the referendum shall be:  "Shall the Board of Supervisors of .... County

16   be decreased from .... members to .... members?".  If one or more alternative valid

17   petitions are filed within 14 days after the last day that an original petition may be

18   filed, the question relating to the number of supervisors shall appear separately.  The

19   first question shall be "Shall the size of the county board of supervisors of .... County

20   be decreased from its current membership of .... members?".  The subsequent

21   questions shall be "If so, shall the size of the board be decreased to .... members?".

22   Each elector may vote in the affirmative or negative on the first question and may

23   then vote in the affirmative on one of the remaining questions.  If the first question

24   is not approved by a majority of the electors voting on the question, the 2nd question

25   is of no effect.  If the question is approved by a majority of the electors voting on the

1    question, or, if more than one question is submitted, if the first question is approved

2    by a majority of the electors voting on the question, the board shall enact an

3    ordinance prescribing revised boundaries for the supervisory districts in the county.

4    The ordinance shall be enacted in accordance with the approved question or, if more

5    than one question is submitted, in accordance with the choice receiving a plurality

6    of the votes cast.  The districts are subject to the same requirements that apply to

7    districts in any plan enacted by the board under subd. 1.  If the board has determined

8    under sub. (1) (b) to adopt staggered terms for the office of supervisor, the board may

9    change the expiration date of the term of any supervisor to an earlier date than the

10   date provided under current ordinance if required to implement the redistricting or

11   to maintain classes of members.  The county clerk shall file a certified copy of any

12   redistricting plan enacted under this subdivision with the secretary of state.  If the

13   number of supervisors in a county is decreased by petition under this subdivision,

14   no further petition may be filed under this subdivision in that county until after

15   enactment of the next decennial plan by the board under par. (b).

16        3. 'Election; term.'  Any redistricting plan enacted under subd. 1. takes effect

17   on November 15 following its enactment and first applies to the election of

18   supervisors at the next spring election following the effective date that immediately

19   precedes the expiration of the terms of office of supervisors in the county.  Any

20   reduction in the number of supervisory districts under subd. 2. that is approved at

21   a spring election shall be enacted in the form of a redistricting plan no later than

22   November 15 following that election and shall first apply to the election of

23   supervisors at the next spring election immediately preceding the expiration of the

24   terms of office of supervisors in the county, and any reduction in the number of

25   supervisory districts under subd. 2. that is approved at a general election shall be

1    enacted in the form of a redistricting plan no later than the 2nd succeeding November

2    15 following that election and shall first apply to the election of supervisors at the

3    next spring election following that November 15 immediately preceding the

4    expiration of the terms of office of supervisors in the county.  If a question is approved

5    at a referendum held under subd. 2., no subsequent plan under subd. 1. may take

6    effect before 2 years have elapsed after the first spring election at which supervisors

7    are elected pursuant to the plan.  Any redistricting plan enacted under subd. 1. or

8    2. shall remain in effect until the effective date of a subsequent redistricting plan

9    enacted under subd. 1. or until the effective date of a redistricting plan subsequently

10   enacted under par. (b).  Supervisors elected from the districts created under subd. 1.

11   or 2. shall serve for 2–year terms and shall take office on the 3rd Tuesday in April

12   following their election.

13       **SECTION 3.**  62.08 (4) of the statutes is amended to read:

14       62.08 **(4)**  The common council of any city may, by a two–thirds vote of all its

15   members but not more frequently than once in 2 years, increase or decrease the

16   number of aldermanic districts or the number of members of the city council, and in

17   that case shall redistrict, readjust and change the boundaries of aldermanic districts,

18   so that they are as nearly equal in population according to the most recent city–wide

19   federal census as practicable by combining contiguous whole wards.  In redistricting

20   such cities the original numbers of the aldermanic districts in their geographic

21   outlines shall as far as possible be retained, and the aldermanic districts so created

22   and those the boundaries of which are changed shall be in as compact form as

23   possible.   This subsection does not apply to changes in aldermanic districts

24   authorized under sub. (4m).

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

1    62.08 **(4m)** If in a city that is solely contained within one county the aldermanic

2    districts are coterminous with the supervisory districts of the county and the county

3    board decreases the number of supervisors in the county after enactment of a

4    decennial redistricting plan under s. 59.10 (3) (cm), the common council of the city

5    may, by a majority vote of the council, no later than November 15 immediately

6    preceding the expiration of the terms of office of members of the council, decrease the

7    number of aldermanic districts and the corresponding number of members of the

8    council in the city to maintain coterminous boundaries between the aldermanic and

9    supervisory districts and may change the expiration date of the term of any council

10    member to an earlier date than the date provided under the current ordinance if

11    required to implement the redistricting or to maintain classes of members.

12                                        **(END)**