

**SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 351**

February 25, 2004 – Offered by COMMITTEE ON HOMELAND SECURITY, VETERANS AND
MILITARY AFFAIRS AND GOVERNMENT REFORM.

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

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 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 substitute amendment requires the redistricting plan to satisfy certain criteria that also apply to decennial redistricting plans. For example, the substitute amendment 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 substitute amendment 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 substitute amendment 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 petition and referendum at any time after the first election is held following enactment of a decennial redistricting plan. 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. A petition must be signed by a number of electors of the county equal to at least 25 percent 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. 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. If a question is approved, the county board must enact 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.

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 the current ordinance if required to implement the redistricting or to maintain staggered terms.

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; municipal boundary adjustments.*
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
7 shall redistrict, readjust, and change the boundaries of supervisory districts, so that
8 the number of districts equals the number of supervisors, the districts are
9 substantially equal in population according to the most recent countywide federal
10 census, the districts are in as compact a form as possible, and the districts consist of
11 contiguous whole wards in existence at the time at which the redistricting plan is
12 adopted. In the redistricting plan, the board shall adhere to the requirements under
13 par. (b) 2. and 3. with regard to contiguity and shall, to the extent possible, place
14 whole contiguous municipalities or contiguous parts of the same municipality within
15 the same district. In redistricting under this subdivision, the original numbers of the
16 districts in their geographic outlines, to the extent possible, shall be retained. No
17 plan may be enacted under this subdivision during review of the sufficiency of a
18 petition filed under subd. 2. nor after a referendum is scheduled on such a petition.
19 However, if the electors of the county reject a change in the number of supervisory
20 districts under subd. 2., the board may then take action under this subdivision. The

1 county clerk shall file a certified copy of any redistricting plan enacted under this
2 subdivision with the secretary of state.

3 2. ‘Petition and referendum.’ The electors of a county may, by petition and
4 referendum, decrease the number of supervisors at any time after the first election
5 is held following enactment of a decennial supervisory district plan under par. (b).
6 A petition for a change in the number of supervisors may be filed with the county
7 clerk. Prior to circulating a petition to decrease the number of supervisors in any
8 county, a petitioner shall register with the county clerk, giving the petitioner’s name
9 and address and indicating the petitioner’s intent to file such a petition. No
10 signature on a petition is valid unless the signature is obtained within the 60–day
11 period following such registration. The petition shall specify the proposed number
12 of supervisors to be elected. Within 14 days after the last day for filing an original
13 petition, any other petitioner may file an alternative petition with the county clerk
14 proposing a different number of supervisors to be elected, and, if the petition is valid,
15 both questions shall be submitted at the same referendum. An alternative petition
16 is subject to the same registration and signature requirements as an original
17 petition. Each petition shall be in the form specified in s. 8.40 and shall contain a
18 number of signatures of electors of the county equal to at least 25 percent of the total
19 votes cast in the county for the office of supervisor at the most recent spring election
20 preceding the date of filing. The county clerk shall promptly determine the
21 sufficiency of a petition filed under this subdivision. Upon determination that a
22 petition is sufficient, or if one or more valid alternative petitions are filed, upon
23 determination that the petitions are sufficient, the county clerk shall call a
24 referendum concurrently with the next spring or general election in the county that
25 is held not earlier than 42 days after the determination is made. The question

1 proposed at the referendum shall be: “Shall the Board of Supervisors of County
2 be decreased from members to members?”. If one or more alternative valid
3 petitions are filed within 14 days after the last day that an original petition may be
4 filed, the question relating to the number of supervisors shall appear separately. The
5 first question shall be “Shall the size of the county board of supervisors of County
6 be decreased from its current membership of members?”. The subsequent
7 questions shall be “If so, shall the size of the board be decreased to members?”.
8 Each elector may vote in the affirmative or negative on the first question and may
9 then vote in the affirmative on one of the remaining questions. If the first question
10 is not approved by a majority of the electors voting on the question, the 2nd question
11 is of no effect. If the question is approved by a majority of the electors voting on the
12 question, or, if more than one question is submitted, if the first question is approved
13 by a majority of the electors voting on the question, the board shall enact an
14 ordinance prescribing revised boundaries for the supervisory districts in the county.
15 The ordinance shall be enacted in accordance with the approved question or, if more
16 than one question is submitted, in accordance with the choice receiving a plurality
17 of the votes cast. The districts are subject to the same requirements that apply to
18 districts in any plan enacted by the board under subd. 1. The county clerk shall file
19 a certified copy of any redistricting plan enacted under this subdivision with the
20 secretary of state. If the number of supervisors in a county is decreased by petition
21 under this subdivision, no further petition may be filed under this subdivision in that
22 county until after enactment of the next decennial plan by the board under par. (b).

23 3. ‘Election; term.’ Any redistricting plan enacted under subd. 1. takes effect
24 on November 15 following its enactment and first applies to the election of
25 supervisors at the next spring election following the effective date that immediately

1 precedes the expiration of the terms of office of supervisors in the county. Any
2 redistricting plan under subd. 2. that is approved at a spring election shall be enacted
3 no later than November 15 following that election and shall first apply to the election
4 of supervisors at the next spring election immediately preceding the expiration of the
5 terms of office of supervisors in the county, and any redistricting plan under subd.
6 2. that is approved at a general election shall be enacted no later than the 2nd
7 succeeding November 15 following that election and shall first apply to the election
8 of supervisors at the next spring election following that November 15 immediately
9 preceding the expiration of the terms of office of supervisors in the county. If a
10 question is approved at a referendum held under subd. 2., no subsequent plan under
11 subd. 1. may take effect before 2 years have elapsed after the first spring election at
12 which supervisors are elected pursuant to the plan. Any redistricting plan enacted
13 under subd. 1. or 2. shall remain in effect until the effective date of a subsequent
14 redistricting plan enacted under subd. 1. or until the effective date of a redistricting
15 plan subsequently enacted under par. (b). Supervisors elected from the districts
16 created under subd. 1. or 2. shall serve for 2-year terms and shall take office on the
17 3rd Monday in April following their election.

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

19 62.08 (4) The common council of any city may, by a two-thirds vote of all its
20 members but not more frequently than once in 2 years, increase or decrease the
21 number of aldermanic districts or the number of members of the city council, and in
22 that case shall redistrict, readjust and change the boundaries of aldermanic districts,
23 so that they are as nearly equal in population according to the most recent city-wide
24 federal census as practicable by combining contiguous whole wards. In redistricting
25 such cities the original numbers of the aldermanic districts in their geographic

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

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

6 **62.08 (4m)** If in a city that is solely contained within one county the aldermanic
7 districts are coterminous with the supervisory districts of the county and the county
8 board decreases the number of supervisors in the county after enactment of a
9 decennial redistricting plan under s. 59.10 (3) (cm), the common council of the city
10 may, by a majority vote of the council, no later than November 15 immediately
11 preceding the expiration of the terms of office of members of the council, decrease the
12 number of aldermanic districts and the corresponding number of members of the
13 council in the city to maintain coterminous boundaries between the aldermanic and
14 supervisory districts and may change the expiration date of the term of any council
15 member to an earlier date than the date provided under the current ordinance if
16 required to implement the redistricting or to maintain classes of members.

17 **(END)**