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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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AN ACT...; relating to: legislative and congressional redistricting.

decennial

Analysis by the Legislative Reference Bureau

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. 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). Traditionally, the legislature has used municipal wards to construct legislative and congressional districts, although the legislature may adjust the boundaries of a municipal ward and use the revised ward boundaries instead. Legislative and congressional redistricting plans enacted pursuant to this procedure 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.

This bill creates a new procedure for the preparation of legislative and congressional redistricting plans. The bill directs the legislative reference bureau (LRB) to draw redistricting plans based upon standards specified in the bill and establishes a redistricting advisory commission to perform certain tasks in the redistricting process. The bill also makes various other changes to the laws governing redistricting. Significant aspects of the bill include:

Redistricting standards

Under the bill, a redistricting plan drawn by the LRB must satisfy several criteria, including:

1. The plan must be based on population requirements imposed under the Wisconsin Constitution and the U.S. Constitution and requirements imposed under Section 2 of the federal Voting Rights Act (Section 2 of the Voting Rights Act), which, among other things, generally prohibits redistricting plans from abridging the right to vote on account of race or color or because a person is a member of a language minority group.

2. The senate and assembly districts established in the plan must satisfy equal population standards specified in the bill. Among other things, no senate district may have a population which exceeds that of any other senate district by more than five percent and no assembly district may have a population which exceeds that of any other assembly district by more than five percent, unless necessary to maintain compliance with Section 2 of the Voting Rights Act. Congressional districts established in the plan must each have a population as nearly equal as practicable to the ideal population for such districts, while maintaining compliance with Section 2 of the Voting Rights Act.

3. District boundaries under the plan must coincide with municipal ward boundaries and, to the extent consistent with the Wisconsin Constitution, the U.S. Constitution, and Section 2 of the Voting Rights Act, must coincide with the boundaries of political subdivisions. The number of political subdivisions divided among more than one district must be as small as possible and, with limited exceptions, if there is a choice among political subdivisions to divide, the more populous political subdivisions shall be divided before the less populous.

4. Districts must be composed of convenient contiguous territory. Under the bill, areas which meet only at the points of adjoining corners are not contiguous.

5. To the extent consistent with the requirements described in items 1. to 3., districts must be compact. The bill also specifies how compactness is to be measured.

6. In preparing the plan, the LRB must be strictly nonpartisan. No district may be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress, or other person or group, or, except to the extent necessary to meet the requirements described in item 1., for the purpose of augmenting or diluting the voting strength of a language or racial minority group. The LRB may not use residence addresses of incumbent legislators or members of Congress, political affiliations of registered voters, previous election results, or, except as necessary to meet the requirements described in item 1., demographic information.

7. The number of assembly districts may not be less than 54 nor more than 100. The number of senate districts may not be more than one-third nor less than one-fourth of the number of assembly districts. Each senate district must contain only whole assembly districts and, with certain exceptions, each congressional district may contain only whole senate districts, to the extent possible.

Redistricting advisory commission

The bill assigns several tasks to the redistricting advisory commission, including:

1. If requested to do so by the LRB, the commission must provide direction to the LRB concerning any decision the LRB must make in preparing a redistricting plan for which no clearly applicable guideline is provided under the bill.

2. The commission must make available to the public at the earliest feasible time copies of any redistricting bill delivered by the LRB to the legislature, as provided under this bill, maps illustrating the redistricting bill, a summary of the standards applicable to the LRB for development of the plan in the redistricting bill, and a statement of the population of each district created in the plan and the relative deviation of each district population from the ideal district population.

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3. The commission must conduct at least three public hearings on a redistricting bill delivered by the LRB to the legislature, as provided under this bill, unless the redistricting bill represents a plan drawn in response to a redistricting bill that was previously delivered to the legislature and rejected by at least one house. The commission must submit a report to the legislature summarizing information and testimony received by the commission at the hearings. The report may also include any comments and conclusions which the commission's members deem appropriate concerning the information and testimony received at the hearings or otherwise presented to the commission.

The bill also permits the commission to establish policies limiting the information that the LRB may provide to persons outside of LRB staff concerning any redistricting plan drawn by the LRB, except that any such policy does not apply to population data furnished to the LRB by the U. S. Bureau of the Census or to a redistricting plan after a bill embodying that plan is delivered by the LRB to the legislature as required under this bill. Following the decennial federal census <use 3x>

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Under the bill, the redistricting advisory commission must be created not later than February 15 of each year ending in one and terminates upon satisfying its duties, until a new redistricting advisory commission is created for the next round of legislative and congressional redistricting. The commission consists of 5 members. The speaker and minority leader of the assembly and the majority and minority leaders of the senate must each appoint one person to serve on the commission. Within thirty days after the fourth commission member is appointed, but not later than February 15 of the year ending in one, the four commission members so appointed must select the fifth commission member, who serves as chairperson. The bill prohibits all of the following individuals from being a commission member: individuals who are not eligible electors of this state at the time of the appointment, individuals who hold partisan public office or political party office, and individuals who are a relative of or are employed by a member of the legislature or of congress, or are employed directly by the legislature or congress.

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Redistricting process

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The bill requires the LRB to perform certain tasks in preparation for drawing congressional and legislative redistricting plans on the basis of each federal decennial census. For example, as soon as possible after receiving from the U.S. Bureau of the Census the population data needed for legislative districting, the LRB must use that data to assign a population figure to geographic or political units to facilitate the drawing of redistricting plans. Typically, this data is available on or about April 1 of each year ending in one. The LRB must also prepare and publish an analysis describing the population of current legislative and congressional districts and the extent to which the districts may violate the redistricting standards

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following the ~~year of the~~ decennial federal census

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described above. In addition, as municipalities complete their ward plans (typically, by October of ~~each year ending in one~~), the LRB must assign a population figure based upon certified federal census data to each municipal ward, for use in drawing redistricting plans.

re the second year following the decennial federal census

Not later than January 1 of ~~each year ending in two~~, the LRB must deliver to the majority leader of the senate and speaker of the assembly identical bills creating plans of legislative and congressional districting, drawn in accordance with the standards described above. The bill further specifies a procedure that the legislature must follow in considering the bills, although that procedure is not enforceable by the courts. The bill requires either the assembly or the senate to bring the bill to a vote expeditiously, but not less than seven days after the report of the redistricting advisory commission is received and made available to the members of the Legislature. The vote must be under a procedure or rule permitting no amendments except those of a purely corrective nature. If the bill is approved by the first house in which it is considered, the bill must expeditiously be brought to a vote in the second house under a similar procedure or rule.

embodying a plan

If neither of the bills delivered by the LRB is approved by both the assembly and the senate, the chief clerk of the house that failed to approve the bill must transmit to the LRB information which that house may direct regarding reasons why the plan was not approved. The LRB must then prepare identical bills embodying a second plan of legislative and congressional districting, taking into account the reasons transmitted to the LRB, insofar as it is possible to do so while complying with the standards described above. The LRB must deliver the bill to the majority leader of the senate and the speaker of the assembly no later than twenty-one days after the date of the vote by which the senate or the assembly failed to approve the bill initially submitted. This second bill must be expeditiously introduced and brought to a vote not less than seven days after the date of introduction, in the same manner as prescribed for the initial bill.

re

If the second bill is similarly rejected by at least one house, the same procedure applies, except that ~~the LRB must deliver the third bill to the majority leader of the senate and the speaker of the assembly no later than twenty-one days after the date of the vote by which the senate or the assembly failed to approve the second bill. Also, the third bill must be expeditiously introduced and brought to a vote not less than seven days after the date of introduction and is subject to amendment in the same manner as other bills.~~

The bill also provides exceptions to this process to account for variations in the timing of the release of federal census data.

Required contents of redistricting bills

The LRB must ensure that each bill embodying a redistricting plan it draws contains specified conventions to apply wherever territory in a plan is described by geographic boundaries. Also, each such bill must provide that the bill first applies, with respect to regular elections, to offices filled at the next occurring general election and, with respect to special or recall elections, to offices filled or contested on or after the date of the next occurring general election.

Challenge based on population inequality.

If an action is brought challenging a legislative redistricting plan adopted under the procedure established in the bill on the basis of an excessive population variance among senate or assembly districts, the legislature has the burden of justifying any variance in excess of five percent between the population of a senate or assembly district and the applicable ideal district population. If an action is brought challenging a congressional redistricting plan adopted under the procedure established in the bill on the basis of an excessive population variance among congressional districts, the legislature has the burden of justifying any variance in excess of one percent between the population of a congressional district and the applicable ideal district population.

For further information see the *state* 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. 3.004 (2) of the statutes is amended to read:

2 3.004 (2) "Ward" means a municipal ward in effect on August 1 of the year
3 following the federal decennial census ~~on which the districting plan described under~~
4 ~~subch. II is based and used in preparing congressional and legislative~~ ^{re.} districting
5 ~~plans under s. 4.015.~~ ^{as required}

out of sequence - move as shown

consolidated, renumbered 3.002 and

History: 2001 a. 46.

6 SECTION 2. 3.002 (intro.) and (1m) of the statutes are amended to read:

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7 **3.002 Description of territory.** ^{fix font} ~~(intro.)~~ In this chapter:

8 ^{no ¶} ~~(1m)~~ Reference, reference to any county or municipality means that county or
9 municipality as its boundaries exist on August 1 of the year following the federal
10 decennial census ~~on which the districting plan described under subch. II is based.~~

History: 1981 c. 154; 1983 a. 29; 1991 a. 256; 2001 a. 46.

11 SECTION 3. 3.002 (2) of the statutes is repealed.

12 SECTION 4. Chapter 4 of the statutes is repealed and recreated to read:

13 CHAPTER 4

14 LEGISLATIVE AND CONGRESSIONAL REDISTRICTING

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SUBCHAPTER I

GENERAL PROVISIONS

4.001 Definitions. In this chapter, unless the context requires otherwise:

(1) "Block" has the meaning given in s. 5.02 (1q).

(2) "Commission" means the redistricting advisory commission established under s. 13.49.

(3) "Plan" means a plan for legislative and congressional reapportionment prepared under subch. II.

(4) "Political subdivision" means a city, town, village, or county within this state.

(5) "Section 2 of the Voting Rights Act" means 42 U.S.C. 1973.

(6) "Ward" means a municipal ward in effect on August 1 of the year following the federal decennial census and used in preparing congressional and legislative districting plans under s. 4.015. *as required*

4.002 Political subdivision boundaries. In this chapter, reference to any political subdivision means that political subdivision as its boundaries exist on August 1 of the year following the federal decennial census.

4.003 Legislative districts established. This state is divided into 33 senate districts, each composed of 3 assembly districts. Each senate district may elect one member of the senate. Each assembly district may elect one representative to the assembly.

SUBCHAPTER II

REDISTRICTING PROCEDURE

4.01 Preparations for redistricting. (1) The legislative reference bureau shall acquire appropriate information, review and evaluate available facilities, and

*the year of the
decennial federal
census*

1 develop programs and procedures in preparation for drawing congressional and
2 legislative redistricting plans on the basis of each federal decennial census.

3 (2) By December 1 of ~~each year ending in zero~~, the legislative reference bureau
4 shall obtain from the U. S. Bureau of the Census information regarding geographic
5 and political units in this state for which federal census population data has been
6 gathered and will be tabulated. The legislative reference bureau shall use the
7 information to do all of the following:

8 (a) Prepare necessary descriptions of geographic and political units for which
9 census data will be reported and which are suitable for use as components of
10 legislative districts.

11 (b) Prepare maps of geographic and political units within the state which may
12 be used to illustrate the locations of district boundaries proposed in plans prepared
13 in accordance with s. 4.03.

14 (3) As soon as possible after receiving from the U.S. Bureau of the Census the
15 population data needed for legislative districting which the census bureau is
16 required to provide this state under U.S. Pub. L. 94-171, the legislative reference
17 bureau shall use that data to assign a population figure based upon certified federal
18 census data to each geographic or political unit described under sub. (2) (b). The
19 legislative reference bureau shall prepare and publish an analysis describing the
20 population of current legislative and congressional districts and the extent to which
21 the districts may violate the standards under s. 4.03. Upon satisfying these
22 requirements, the legislative reference bureau shall begin the preparation of
23 congressional and legislative districting plans as required under s. 4.02.

24 **4.015 Use of municipal ward plans.** After receipt of a division ordinance or
25 resolution under s. 5.15 (4) (b), the legislative reference bureau shall use the data

not - 8 -
 (c) The legislative reference bureau shall use each ward to which a population figure is assigned

1 obtained from the U.S. Bureau of the Census under s. 4.01 (3) to assign a population
 2 figure based upon certified federal census data to each ward established in the
 3 division ordinance or resolution. ~~in~~ in preparing congressional and legislative
 4 ^(re) districting plans as required under s. 4.02.

5 **4.02 Preparation of districting plans.** (1) Not later than January 1 of ~~each~~

6 ~~year ending in two~~ ^{The 2nd year following the decennial federal census} the legislative reference bureau shall deliver to the majority
 7 leader of the senate and speaker of the assembly identical bills creating plans of
 8 legislative and congressional ^(re) districting, prepared in accordance with s. 4.03. Either
 9 the assembly or the senate shall bring the bill to a vote expeditiously, but not less
 10 than ⁽⁷⁾ ~~seven~~ days after the commission report under s. 13.49 (3) (c) 2. is received and
 11 made available to the members of the legislature. The vote shall be under a
 12 procedure or rule permitting no amendments except those of a purely corrective
 13 nature. If the bill is approved by the first house in which it is considered, the bill shall
 14 expeditiously be brought to a vote in the ^{2nd} ~~second~~ house under a similar procedure or
 15 rule.

16 (2) If neither of the bills delivered by the legislative reference bureau under
 17 sub. (1) is approved by both the assembly and the senate, the chief clerk of the house
 18 that failed to approve the bill shall immediately transmit to the legislative reference
 19 bureau information which that house may direct regarding reasons why the plan was
 20 not approved. The legislative reference bureau shall prepare identical bills
 21 embodying a ^{2nd} ~~second~~ plan of legislative and congressional ^(re) districting prepared in
 22 accordance with s. 4.03, and taking into account the reasons transmitted to the
 23 legislative reference bureau under this subsection insofar as it is possible to do so
 24 within the requirements of s. 4.03. The legislative reference bureau shall deliver the
 25 ⁵ bill to the majority leader of the senate and the speaker of the assembly no later than

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1 ~~twenty-one~~²¹ days after the date of the vote by which the senate or the assembly failed
 2 to approve the bill submitted under sub. (1). Any bill delivered by the legislative
 3 reference bureau under this subsection shall be expeditiously introduced and
 4 brought to a vote not less than ~~seven~~⁷ days after the date of introduction, in the same
 5 manner as prescribed for the bill required under sub. (1).

6 (3) If neither of the bills delivered by the legislative reference bureau under
 7 sub. (2) is approved by both the assembly and the senate, the same procedure as
 8 prescribed by sub. (2) shall be followed. If a ~~third~~^{3rd} plan is required under this
 9 subsection, the legislative reference bureau shall deliver the bill to the majority
 10 leader of the senate and the speaker of the assembly no later than ~~twenty-one~~²¹ days
 11 after the date of the vote by which the senate or the assembly failed to approve the
 12 bill submitted under sub. (2). Any bill delivered by the legislative reference bureau
 13 under this subsection shall be expeditiously introduced and brought to a vote not less
 14 than ~~seven~~⁷ days after the date of introduction and shall be subject to amendment in
 15 the same manner as other bills.

16 (4) Notwithstanding subs. (1) to (3):

17 (a) If certified federal census data which is sufficient to permit preparation of
 18 a congressional ~~districting~~^{re} plan becomes available at an earlier time than the
 19 population data needed to permit preparation of a legislative ~~districting~~^{re} plan in
 20 accordance with section 4.03, the legislative reference bureau shall so inform the
 21 majority leader of the senate and the speaker of the assembly. If the majority leader
 22 of the senate and the speaker of the assembly jointly direct, the legislative reference
 23 bureau shall prepare a separate bill establishing congressional districts and ~~submit~~
 24 it separately from the bill establishing legislative districts. The legislature shall

deliver

1 proceed to consider the congressional ^{re}districting bill in substantially the manner
2 prescribed by subs. (1) to (3).

3 (b) If the population data for legislative ^{re}districting which the U. S. ^{P.}Bureau of
4 the ~~Census~~ is required to provide this state under U.S. Pub. L. 94-171 and, if used
5 by the legislative reference bureau, the corresponding topologically integrated
6 geographic encoding and referencing data file for that population data, ^{is} not

^{<use 7x>} available to the legislative reference bureau on or before April 1 of the year ^{first}ending ^{are}
^{following the decennial federal census} ~~in one of the states~~ ^{deadlines} set forth in this section shall be extended by a number of days equal

8 ~~in one of the states~~ set forth in this section shall be extended by a number of days equal
9 to the number of days after April 1 of the year ^{first}ending ~~in one~~ that the population data
10 and the topologically integrated geographic encoding and referencing data file for
11 legislative ^{re}districting becomes ^eavailable.

12 **4.03 Redistricting standards.** (1) Legislative and congressional districts

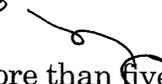
13 shall be established on the basis of population requirements imposed under the
14 Wisconsin Constitution and the U.S. Constitution and requirements imposed under
15 Section 2 of the Voting Rights Act.

16 (2) Senate and assembly districts, respectively, shall satisfy the population
17 standards established in this subsection. The quotient, obtained by dividing the
18 ^{sum}~~total~~ of the absolute values of the deviations of all district populations from the
19 applicable ideal district population by the number of districts established, may not

20 exceed ^{1%}~~one percent~~ of the applicable ideal district population, unless necessary to
21 maintain compliance with Section 2 of the Voting Rights Act. For purposes of this
22 subsection, the ideal ^{district}population is determined by dividing the number of districts to
23 be established into the population of the state reported in the most recent federal
24 decennial census. No senate district may have a population which exceeds that of
25 any other senate district by more than five percent and no assembly district may

5%

5%



1 have a population which exceeds that of any other assembly district by more than five
2 percent, unless necessary to maintain compliance with Section 2 of the Voting Rights
3 Act.

4 (3) Congressional districts shall each have a population as nearly equal as
5 practicable to the ideal district population, derived as prescribed in sub. (2), while
6 maintaining compliance with Section 2 of the Voting Rights Act. No congressional
7 district may have a population which varies by more than one percent from the
8 applicable ideal district population, unless necessary to comply with Section 2 of the
9 Voting Rights Act.

1%

10 (4) District boundaries shall coincide with ward boundaries and, to the extent
11 consistent with sub. (1), shall coincide with the boundaries of political subdivisions.
12 The number of political subdivisions divided among more than one district shall be
13 as small as possible. When there is a choice among political subdivisions to divide,
14 the more populous political subdivisions shall be divided before the less populous,
15 except that this statement ^{requirement} does not apply to a legislative district boundary drawn
16 along a county boundary which passes through a city with territory in more than one
17 county.

18 (5) Districts shall be composed of convenient contiguous territory. Areas which
19 meet only at the points of adjoining corners are not contiguous.

20 (6) (a) In this subsection:

21 1. "Population data unit" means a ward, census enumeration district, block, or
22 other unit of territory having clearly identified geographic boundaries and for which
23 a total population figure is included in or can be derived directly from certified
24 federal census data.

1 2. "Geographic unit center" means that point within a population data unit
 2 approximately equidistant from the northern and southern extremities, and also
 3 approximately equidistant from the eastern and western extremities of the
 4 population data unit. This point shall be determined by visual observation of a map
 5 of the population data unit, unless it is otherwise determined within the context of
 6 an appropriate coordinate system developed by the federal government or another
 7 source that the legislative reference bureau determines is qualified and objective and
 8 is obtained for use in this state with prior approval of the joint committee on
 9 legislative organization.

10 3. "X coordinate" means the relative location of a point along the east-west
 11 axis of the state. Unless otherwise measured within the context of an appropriate
 12 coordinate system obtained for use as permitted by subd. 2., the "x" coordinate
 13 shall be measured along a line drawn due east from a due north and south line
 14 running through the point which is the northwestern extremity of this state, to the
 15 point to be located.

16 4. "Y coordinate" means the relative location of a point along the north-south
 17 axis of the state. Unless otherwise measured within the context of an appropriate
 18 coordinate system obtained for use as permitted by subd. 2., the "y" coordinate
 19 shall be measured along a line drawn due south from ~~the northern boundary of the~~
 20 ~~state or the eastward extension of that boundary,~~ to the point to be located.

21 (b) To the extent consistent with subs. (1) to (3), districts shall be compact in
 22 form. Compact districts are those which are square, rectangular, or hexagonal in
 23 shape to the extent permitted by natural or political boundaries. When it is
 24 necessary to compare the relative compactness of two or more districts, or of two
 25 more alternative districting plans, the tests prescribed by pars. (c) and (d) shall be

the point which is the northern extremity of this state

1 used. Should the results of these ² ~~two~~ tests be contradictory, the standard under par.
2 (c) shall be given greater weight than the standard under par. (d).

3 (c) 1. The compactness of a district is greatest when the length of the district
4 and the width of the district are equal. The measure of a district's compactness is
5 the absolute value of the difference between the length and the width of the district.

6 2. In measuring the ~~length and the width~~ ^{compactness} of a district by means of electronic
7 data processing, the difference between the "x" ^{coordinates} of the easternmost and
8 the westernmost geographic unit centers included in the district shall be compared
9 to the difference between the "y" ^{coordinates} of the northernmost and southernmost
10 geographic unit centers included in the district.

11 3. To determine the length and width of a district by manual measurement, the
12 distance from the northernmost point or portion of the boundary of a district to the
13 southernmost point or portion of the boundary of the same district and the distance
14 from the westernmost point or portion of the boundary of the district to the
15 easternmost point or portion of the boundary of the same district shall each be
16 measured. If the northernmost or southernmost portion of the boundary, or each of
17 these points, is a part of the boundary running due east and west, the line used to
18 make the measurement required by this subdivision shall ~~either~~ ^{be drawn} due north
19 and south or as nearly so as the configuration of the district permits. If the
20 easternmost or westernmost portion of the boundary, or each of these points, is a part
21 of the boundary running due north and south, a similar procedure shall be followed.
22 The lines to be measured for the purpose of this subdivision shall each be drawn as
23 required by this ~~paragraph~~ ^{subdivision}, even if some part of either or both lines lies outside the
24 boundaries of the district which is being tested for compactness.

1 4. The absolute values computed for individual districts under this paragraph
 2 may be cumulated for all districts in a plan in order to compare the overall
 3 compactness of ²two or more alternative ^{re}districting plans for the state, or for a portion
 4 of the state. However, it is not valid to cumulate or compare absolute values
 5 computed under subd. [✓]2. with those computed under subd. [✓]3.

6 (d) 1. The compactness of a district is greatest when the ratio of the dispersion
 7 of population about the population center of the district to the dispersion of
 8 population about the geographic center of the district is one to one, ~~the nature of this~~
 9 ~~ratio being such that it is always greater than zero and can never be greater than one~~
 10 ~~to one~~ ^{or}

11 2. The population dispersion about the population center of a district, ^{and}
 12 about the geographic center of a district, is computed as the sum of the products of
 13 the population of each population data unit included in the district multiplied by the
 14 square of the distance from ^{e the}that geographic unit center ^{of that population data unit} to the population center or
 15 the geographic center of the district, as the case may be. The geographic center of
 16 the district is defined by averaging the locations of all geographic unit centers which
 17 are included in the district. The population center of the district is defined by
 18 computing the population-weighted average of the "x" ^{coordinates} and "y"
 19 ^{coordinates} of each geographic unit center assigned to the district, it being assumed
 20 for the purpose of this calculation that each population data unit possesses uniform
 21 density of population.

22 3. The ratios computed for individual districts under this paragraph may be
 23 averaged for all districts in a plan in order to compare the overall compactness of ^{two}
 24 or more alternative ^{re}districting plans for the state, or for a portion of the state. ²

1 (7) In preparing any ^{re} districting plan, the legislative reference bureau shall be
 2 strictly nonpartisan. No district may be drawn for the purpose of favoring a political
 3 party, incumbent legislator or member of Congress, or other person or group or,
 4 except to the extent required under sub. (1), for the purpose of augmenting or diluting
 5 the voting strength of a language or racial minority group. In establishing districts,
 6 no use shall be made of any of the following data:

7 (a) The residence addresses of incumbent legislators or members of Congress.

8 (b) Political affiliations of registered voters.

9 (c) Previous election results.

10 (d) Demographic information except as necessary to meet the requirements of
 11 sub. (1).

12 (8) The number of assembly districts may not be less than 54 nor more than
 13 100. The number of senate districts may not be more than one-third nor less than
 14 one-fourth of the number of assembly districts. Each senate district shall contain
 15 only whole assembly districts. Except as otherwise provided in this subsection, to
 16 the extent possible, each congressional district shall contain only whole senate
 17 districts. The other standards specified in this section shall take precedence where
 18 a conflict arises between those standards and the requirement of including only
 19 whole senate districts within a congressional district.

in any redistricting plan *use 2x*

20 **4.04 Required provisions in redistricting bills.** Each bill embodying a
 21 ~~plan drawn~~ ^{delivered 4.02} under s. ~~4.03~~ shall provide all of the following:

22 (1) That, wherever territory is described in the bill by geographic boundaries,
 23 the following conventions are used:

24 (a) Each bound continues to the intersection with the bound next named, or to
 25 the intersection with a straight-line extension of such bound.

1 (b) If the bound is a street, it follows the center line of the street or the center
2 line of the street extended.

3 (c) If the bound is a railroad right-of-way, it follows the center line of the
4 railroad right-of-way.

5 (d) If the bound is a river or stream, it follows the center of the main channel
6 of such river or stream.

7 (e) If the bound follows a municipal boundary, it coincides with such boundary.

8 (2) That the bill first applies, with respect to regular elections, to offices filled
9 at the next occurring general election ^{after the bill takes effect} and, with respect to special or recall elections,
10 to offices filled or contested on or after the date of ~~the next occurring~~ ^{that} general election.

11 **4.05 Challenge based on population inequality; burden of proof.** If an
12 action is brought challenging a legislative redistricting plan under this chapter on
13 the basis of an excessive population variance among senate or assembly districts
14 established in the plan, the legislature has the burden of justifying any variance in
15 excess of 5% between the population of a senate or assembly district and the
16 applicable ideal district population. If an action is brought challenging a
17 congressional redistricting plan under this chapter on the basis of an excessive
18 population variance among congressional districts established in the plan, the
19 legislature has the burden of justifying any variance in excess of 1% between the
20 population of a congressional district and the applicable ideal district population.

21 **SECTION 5.** 5.15 (4) (a) of the statutes is amended to read:

22 5.15 (4) (a) The division ordinance or resolution shall number all wards in the
23 municipality in whole numbers in consecutive order, beginning with the number one,
24 shall designate the polling place for each ward, and shall describe the boundaries of
25 each ward consistent with the conventions set forth in s. ~~4.003~~ 4.04 (1). The

1 ordinance or resolution shall be accompanied by a list of the block numbers used by
2 the U.S. bureau of the census that are wholly or partly contained within each ward,
3 with any block numbers partly contained within a ward identified, and a map of the
4 municipality which illustrates the revised ward boundaries.

History: 1971 c. 304 ss. 3 to 5, 29 (2); 1977 c. 26, 118, 427, 449; 1979 c. 260; 1981 c. 4 ss. 2 to 10, 18; 1981 c. 314; 1983 a. 29, 192, 442; 1983 a. 484 ss. 8e, 174; 1983 a. 538; 1985 a. 304 ss. 8 to 10, 12; 1987 a. 391; 1991 a. 143, 315; 1993 a. 213; 1995 a. 201; 1999 a. 182.

5 SECTION 6. 13.49 of the statutes is created to read:

6 13.49 Redistricting advisory commission. (1) DEFINITIONS. In this
7 section:

8 (a) "Chief election officer" means the executive director of the state elections
9 board.

10 (b) "Four selecting authorities" means all of the following:

11 1. The majority leader of the senate.

12 2. The minority leader of the senate.

13 3. The speaker of the assembly.

14 4. The minority leader of the assembly.

15 (c) "Partisan public office" means any of the following:

16 1. The office of governor, lieutenant governor, secretary of state, state treasurer,
17 attorney general, state senator or state representative to the assembly.

18 2. An county office which is filled by an election process involving nomination
19 and election of candidates on a partisan basis.

20 (d) "Political party office" means an elective office in a political party, as defined
21 in s. 5.02 (13), or in a national political party.

22 (e) "Relative" means an individual who is related to the person in question as
23 father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece,
24 husband, wife, grandfather, grandmother, father-in-law, mother-in-law,

1 son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather,
2 stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half
3 sister.

(first)
(Use 2+7) *The year following the decennial federal census*

4 (2) GENERAL PROVISIONS. (a) Not later than February 15 of ~~each year ending~~
5 ~~in one~~, a temporary redistricting advisory commission is created consisting of 5
6 members. Each of the ~~four~~ ⁴ selecting authorities shall certify to the chief elections
7 officer the selecting authority's appointment of a person to serve on the commission.

8 The certifications may be made at any time after the speaker of the assembly,
9 minority leader of the assembly, majority leader of the senate, and minority leader
10 of the senate are selected for the legislature which takes office in the year ending in
11 one, even though that legislature's term of office has not actually begun. Within

12 ~~thirty~~ ³⁰ days after the last selecting authority has certified his or her appointment, but
13 not later than February 15 of ~~the year ending in one~~ ⁴, the ~~four~~ ⁴ commission members
14 so appointed shall select, by a vote of at least ~~three~~ ³ members, and certify to the chief
15 elections officer the ~~fifth~~ ^{5th} commission member, who shall serve as chairperson.

16 (b) No individual may be appointed to the redistricting advisory commission
17 who satisfies any of the following:

18 1. The individual is not an eligible elector of this state at the time of the
19 appointment.

20 2. The individual holds [✓] partisan public office or [✓] political party office.

21 3. The individual is a relative of or is employed by a member of the legislature
22 or of congress, or is employed directly by the legislature or congress.

appointed by a selecting authority

23 (c) Members of the redistricting advisory commission shall be reimbursed from
24 the appropriation account under s. 20.765 (1) (a) or (b), depending upon the house

The member who is not appointed by a selecting authority shall be reimbursed from the appropriation under s. 20.765

1 in which that member's appointing authority holds office, for actual and necessary
2 expenses incurred in performance of duties as a commission member.

(1) (a) for actual and necessary expenses incurred in performance of duties as a commission member.

3 (d) A vacancy on the redistricting advisory commission shall be filled as
4 provided in s. 17.20 (1) within ¹⁵ fifteen days after the vacancy occurs.

5 (e) ~~Each~~ ^{Each} redistricting advisory commission terminates upon complying with
6 sub. (3), ~~until a new redistricting advisory commission is created under sub. (2)~~

7 (3) DUTIES. ^{Plain} The redistricting advisory commission shall do all of the following:

8 (a) If requested to do so by the legislative reference bureau, provide direction
9 to the legislative reference bureau concerning any decision the legislative reference
10 bureau must make in preparing a redistricting plan under subch. II of ch. 4 for which
11 no clearly applicable guideline is provided under s. 4.03.

12 (b) Upon delivery by the legislative reference bureau of a bill embodying a
13 redistricting plan as required under s. 4.02, make available to the public at the
14 earliest feasible time all of the following information:

- 15 1. Copies of the bill.
- 16 2. Maps illustrating the plan.
- 17 3. A summary of the standards prescribed under s. 4.03 for development of the
18 plan.
- 19 4. A statement of the population of each district included in the plan, and the
20 relative deviation of each district population from the ideal district population.

21 (c) Upon delivery by the legislative reference bureau of an initial bill embodying
22 a redistricting plan as required under s. 4.02 (1), do all of the following:

- 23 1. As expeditiously as reasonably possible, schedule and conduct at least ³ three
24 public hearings, in different geographic regions of the state, on the plan embodied
25 in the bill.

1 2. Following the hearings held under subd. 1., promptly prepare and submit
 2 to the legislature in the manner provided under s. 13.172 (2) a report summarizing
 3 information and testimony received by the commission in the course of the hearings.
 4 The report may include any comments and conclusions which the commission's
 5 members deem appropriate concerning the information and testimony received at
 6 the hearings or otherwise presented to the commission. The report shall be treated
 7 in the same manner as a report submitted under s. 13.172 (2).

8 (4) CONFIDENTIALITY. The redistricting advisory commission may establish
 9 policies limiting the information that the legislative reference bureau may provide
 10 to persons outside of the bureau staff concerning any redistricting plan prepared
 11 under subch. II of ch. 4, except that any such policy does not apply to a redistricting
 12 plan after a bill embodying that plan is delivered by the legislative reference bureau
 13 as required under s. 4.02 or to population data furnished to the legislative reference
 14 bureau by the U. S. Bureau of the Census.

(END)

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2537/?dn

RJM:./:....

gs

Senator Hansen:

Attached is the draft you requested establishing a new legislative and congressional redistricting procedure for Wisconsin. As you review the draft, please note the following issues:

1. As requested, this draft is based upon Iowa law. However, it is important to note that Wisconsin's demographics may make the draft much more difficult to implement. Iowa does not have an African-American or Hispanic population similar to that in Milwaukee County. Under the federal Voting Rights Act, Wisconsin must not discriminate against these populations when redistricting. Whereas redistricting in Iowa can be based almost predominantly on population, in Wisconsin redistricting must also take into account the effect of redistricting on these populations of racial and ethnic minorities. To account for this special circumstance, this draft specifically requires the redistricting plans to comply with the Voting Rights Act. ✓

2. Traditionally, the legislature has used municipal wards as the building blocks for redistricting plans. The statutes reflect this tradition, by establishing a procedure for municipalities to re-draw their ward plans after each federal decennial census and file their plans with the state. This draft maintains this tradition. Another option would be to have the legislature redistrict first, then have the municipalities draw ward plans to fit within the legislative districts. However, the timing of this option is less practical, because it could require the legislature to redistrict during budget deliberations (Spring of the year ending in ~~one~~ following the census). ✓

3. Proposed ss. 4.003 and 4.04 (1) are taken from the current ss. 4.001 (1) and 4.003, stats., respectively. ✓

4. Proposed s. 4.01 (3) requires the LRB, after receiving census data, to prepare and publish an analysis describing the population of current legislative and congressional districts and the extent to which the districts may violate equal population and other redistricting standards. The Iowa law does not have a similar requirement. The LRB traditionally prepares this type of analysis to inform legislators concerning the population changes over the decade in their districts. Please let me know if this requirement is not consistent with your intent. Also, depending upon the population changes over the decade, it is conceivable that redistricting may not be legally required. Please let me know if you would like to include a mechanism whereby JCLO ✓

or some other committee or group of legislators could direct the LRB not to prepare a redistricting plan because no plan is legally required. ✓

5. Proposed s. 4.02 ✓ governs the internal proceedings of the legislature. As such, it is not legally enforceable. If this bill is enacted, the legislature would be free to decide to follow a different procedure without first amending the statutes. ✓

6. The Iowa law is somewhat ambiguous with regard to population equality. The Iowa law requires legislative districts to be "as nearly equal as practicable." This is the same language as applies to congressional districts under federal law and has been interpreted to require population variances of less than 1%. However, the Iowa law also says that the population variance among like legislative districts may not be more than 5%. In addition, the Iowa law says that the legislature has the burden of justifying any variance greater than 1%, if a plan is challenged based on unequal population. I eliminated this ambiguity by maintaining the 5% standard from Iowa law (applicable to legislative districts only) and adjusting the provision concerning the burden of proof accordingly. ✓

7. I recommend that you consider one change with regard to the population equality standards established in proposed s. 4.03 (2). Under current law, legislative districts are generally permitted to vary in population by as much as 10%. This "slush" can be useful in fostering compromises in the redistricting process and in meeting other legal requirements, such as compliance with the Voting Rights Act. It would be helpful to the LRB and the redistricting advisory commission, as the agencies required to draw the redistricting plan, to permit the legislative districts to take full advantage of this permissible level of variance. Although it is unlikely that the LRB would draw a plan with a 10% overall variance, a plan with more than a 5% variance would be plausible. This change would not affect congressional districts which, under the U.S. Constitution, must be as nearly equal in population as is practicable. Please let me know if you would like to make this suggested change. ✓

7. The two measures of compactness in s. 4.03 (6) are taken directly from Iowa. There are other methods to measure compactness which we could use. The U.S. Supreme Court has not yet specified a preferred method of measuring compactness. If you would like to discuss other methods that we could implement, please feel free to call. ✓

→ 8. I added requirements from Article IV, Sections 2, 4, and 5 of the Wisconsin Constitution to proposed s. 4.03 (8).

9. I significantly simplified the language describing when a redistricting plan first applies. See proposed s. 4.04 (2). ✓

10. Please note that I included a few clarifications to chs. 3 and 4, which deal with legislative and congressional districts. The primary clarifications involve the definition of "ward" in proposed ss. 3.004 (2) and 4.001 (6) and the specifications in proposed ss. 3.002 and 4.002 concerning political subdivision boundaries. Together, these clarifications coordinate ch. 4 with s. 5.15 (1) (b), stats., which requires municipal ward plans to include all territory that is part of the municipality as of August 1 of the year following the federal decennial census. ✓

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11. For purposes of appointing members to the temporary redistricting advisory commission, this bill gives the speaker of the assembly, rather than the majority leader, the authority to appoint one member. This change seemed appropriate, given the powers typically exercised by the speaker and the majority leader in the assembly.

Please feel free to call if you have any questions or desire any changes to the bill.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: robert.marchant@legis.state.wi.us

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2537/1dnins
RJM:.....

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~~(Note: although the)~~ recent redistricting plans in Wisconsin have had variations of 1% or less)

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12. Please note that Wisconsin has traditionally tried to keep the district numbers as close as possible to the previous decade. This bill would prohibit the LRB from considering this factor in drawing a redistricting plan. Similarly, the bill would prohibit the LRB from considering existing district boundaries. From a citizen's point of view, minimal change may be a very good thing. Of course, it also tends to favor incumbents. Please let me know if you desire any changes to the draft based upon these considerations.

✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2537/1dn
RJM:cjs:cph

May 9, 2003

Senator Hansen:

Attached is the draft you requested establishing a new legislative and congressional redistricting procedure for Wisconsin. As you review the draft, please note the following issues:

1. As requested, this draft is based upon Iowa law. However, it is important to note that Wisconsin's demographics may make the draft much more difficult to implement. Iowa does not have an African-American or Hispanic population similar to that in Milwaukee County. Under the federal Voting Rights Act, Wisconsin must not discriminate against these populations when redistricting. Whereas redistricting in Iowa can be based almost predominantly on population, in Wisconsin redistricting must also take into account the effect of redistricting on these populations of racial and ethnic minorities. To account for this special circumstance, this draft specifically requires the redistricting plans to comply with the Voting Rights Act.
2. Traditionally, the legislature has used municipal wards as the building blocks for redistricting plans. The statutes reflect this tradition, by establishing a procedure for municipalities to re-draw their ward plans after each federal decennial census and file their plans with the state. This draft maintains this tradition. Another option would be to have the legislature redistrict first, then have the municipalities draw ward plans to fit within the legislative districts. However, the timing of this option is less practical, because it could require the legislature to redistrict during budget deliberations (spring of the year following the census).
3. Proposed ss. 4.003 and 4.04 (1) are taken from the current ss. 4.001 (1) and 4.003, stats., respectively.
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or some other committee or group of legislators could direct the LRB not to prepare a redistricting plan because no plan is legally required.

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7. I recommend that you consider one change with regard to the population equality standards established in proposed s. 4.03 (2). Under current law, legislative districts are generally permitted to vary in population by as much as 10%. This "slush" can be useful in fostering compromises in the redistricting process and in meeting other legal requirements, such as compliance with the Voting Rights Act. It would be helpful to the LRB and the Redistricting Advisory Commission, as the agencies required to draw the redistricting plan, to permit the legislative districts to take full advantage of this permissible level of variance. Although it is unlikely that the LRB would draw a plan with a 10% overall variance (recent redistricting plans in Wisconsin have had variations of 1% or less), a plan with more than a 5% variance would be plausible. This change would not affect congressional districts which, under the U.S. Constitution, must be as nearly equal in population as is practicable. Please let me know if you would like to make this suggested change.

7. The two measures of compactness in s. 4.03 (6) are taken directly from Iowa. There are other methods to measure compactness which we could use. The U.S. Supreme Court has not yet specified a preferred method of measuring compactness. If you would like to discuss other methods that we could implement, please feel free to call.

8. I added requirements from article IV, sections 2, 4, and 5 of the Wisconsin Constitution to proposed s. 4.03 (8).

9. I significantly simplified the language describing when a redistricting plan first applies. See proposed s. 4.04 (2).

10. Please note that I included a few clarifications to chs. 3 and 4, which deal with legislative and congressional districts. The primary clarifications involve the definition of "ward" in proposed ss. 3.004 (2) and 4.001 (6) and the specifications in proposed ss. 3.002 and 4.002 concerning political subdivision boundaries. Together, these clarifications coordinate ch. 4 with s. 5.15 (1) (b), stats., which requires municipal ward plans to include all territory that is part of the municipality as of August 1 of the year following the federal decennial census.

11. For purposes of appointing members to the temporary Redistricting Advisory Commission, this bill gives the speaker of the assembly, rather than the majority leader, authority to appoint one member. This change seemed appropriate, given the powers typically exercised by the speaker and the majority leader in the assembly.

12. Please note that Wisconsin has traditionally tried to keep the district numbers as close as possible to those of the previous decade. This bill would prohibit the LRB from considering this factor in drawing a redistricting plan. Similarly, the bill would prohibit the LRB from considering existing district boundaries. From a citizen's point of view, minimal change may be a very good thing. Of course, it also tends to favor incumbents. Please let me know if you desire any changes to the draft based upon these considerations.

Please feel free to call if you have any questions or desire any changes to the bill.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: robert.marchant@legis.state.wi.us

Marchant, Robert

From: Genrich, Eric
Sent: Tuesday, July 22, 2003 9:22 AM
To: Marchant, Robert
Subject: LRB 2537/1

Hi Bob,

Thank you for your work on this draft. After speaking with Sen. Hansen and reviewing your drafter's note, we've decided to go ahead with the draft including your suggested changes regarding the population equality standards.

-Eric

Office of Sen. Hansen

SOON

stays (RWNR)

2003 BILL

SAW

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1 AN ACT *to repeal* 3.002 (2); *to consolidate, renumber and amend* 3.002
 2 (intro.) and (1m); *to amend* 3.004 (2) and 5.15 (4) (a); *to repeal and recreate*
 3 chapter 4; and *to create* 13.49 of the statutes; **relating to:** legislative and
 4 congressional redistricting.

Analysis by the Legislative Reference Bureau

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 decennial 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. 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). Traditionally, the legislature has used municipal wards to construct legislative and congressional districts, although the legislature may adjust the boundaries of a municipal ward and use the revised ward boundaries instead. Legislative and congressional redistricting plans enacted pursuant to this procedure 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.

This bill creates a new procedure for the preparation of legislative and congressional redistricting plans. The bill directs the Legislative Reference Bureau (LRB) to draw redistricting plans based upon standards specified in the bill and

BILL

establishes a Redistricting Advisory Commission to perform certain tasks in the redistricting process. The bill also makes various other changes to the laws governing redistricting. Significant aspects of the bill include:

Redistricting standards

Under the bill, a redistricting plan drawn by the LRB must satisfy several criteria, including:

1. The plan must be based on population requirements imposed under the Wisconsin Constitution and the U.S. Constitution and requirements imposed under Section 2 of the federal Voting Rights Act, which, among other things, generally prohibits redistricting plans from abridging the right to vote on account of race or color or because a person is a member of a language minority group.

2. The senate and assembly districts established in the plan must satisfy equal population standards specified in the bill. Among other things, no senate district may have a population which exceeds that of any other senate district by more than five percent and no assembly district may have a population which exceeds that of any other assembly district by more than five percent, unless necessary to maintain compliance with Section 2 of the Voting Rights Act. Congressional districts established in the plan must each have a population as nearly equal as practicable to the ideal population for such districts, while maintaining compliance with Section 2 of the Voting Rights Act.

3. District boundaries under the plan must coincide with municipal ward boundaries and, to the extent consistent with the Wisconsin Constitution, the U.S. Constitution, and Section 2 of the Voting Rights Act, must coincide with the boundaries of political subdivisions. The number of political subdivisions divided among more than one district must be as small as possible and, with limited exceptions, if there is a choice among political subdivisions to divide, the more populous political subdivisions shall be divided before the less populous.

4. Districts must be composed of convenient contiguous territory. Under the bill, areas which meet only at the points of adjoining corners are not contiguous.

5. To the extent consistent with the requirements described in items 1. to 3., districts must be compact. The bill also specifies how compactness is to be measured.

6. In preparing the plan, the LRB must be strictly nonpartisan. No district may be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress, or other person or group, or, except to the extent necessary to meet the requirements described in item 1., for the purpose of augmenting or diluting the voting strength of a language or racial minority group. The LRB may not use residence addresses of incumbent legislators or members of Congress, political affiliations of registered voters, previous election results, or, except as necessary to meet the requirements described in item 1., demographic information.

7. The number of assembly districts may not be less than 54 nor more than 100. The number of senate districts may not be more than one-third nor less than one-fourth of the number of assembly districts. Each senate district must contain only whole assembly districts and, with certain exceptions, each congressional district may contain only whole senate districts, to the extent possible.

BILL***Redistricting Advisory Commission***

The bill assigns several tasks to the Redistricting Advisory Commission, including:

1. If requested to do so by the LRB, the commission must provide direction to the LRB concerning any decision the LRB must make in preparing a redistricting plan for which no clearly applicable guideline is provided under the bill.

2. The commission must make available to the public at the earliest feasible time copies of any redistricting bill delivered by the LRB to the legislature, as provided under this bill, maps illustrating the redistricting bill, a summary of the standards applicable to the LRB for development of the plan in the redistricting bill, and a statement of the population of each district created in the plan and the relative deviation of each district population from the ideal district population.

3. The commission must conduct at least three public hearings on a redistricting bill delivered by the LRB to the legislature, as provided under this bill, unless the redistricting bill represents a plan drawn in response to a redistricting bill that was previously delivered to the legislature and rejected by at least one house. The commission must submit a report to the legislature summarizing information and testimony received by the commission at the hearings. The report may also include any comments and conclusions which the commission's members deem appropriate concerning the information and testimony received at the hearings or otherwise presented to the commission.

The bill also permits the commission to establish policies limiting the information that the LRB may provide to persons outside of LRB staff concerning any redistricting plan drawn by the LRB, except that any such policy does not apply to population data furnished to the LRB by the U. S. Bureau of the Census or to a redistricting plan after a bill embodying that plan is delivered by the LRB to the legislature as required under this bill. ★

Under the bill, the Redistricting Advisory Commission must be created not later than February 15 of the first year following the decennial federal census and terminates upon satisfying its duties, until a new Redistricting Advisory Commission is created for the next round of legislative and congressional redistricting. The commission consists of ^{Five} 5 members. The speaker and minority leader of the assembly and the majority and minority leaders of the senate must each appoint one person to serve on the commission. Within thirty days after the fourth commission member is appointed, but not later than February 15 of the first year following the decennial federal census, the four commission members so appointed must select the fifth commission member, who serves as chairperson. The bill prohibits all of the following individuals from being a commission member: individuals who are not eligible electors of this state at the time of the appointment, individuals who hold partisan public office or political party office, and individuals who are a relative of or are employed by a member of the legislature or of congress, or are employed directly by the legislature or congress. ←

Redistricting process

The bill requires the LRB to perform certain tasks in preparation for drawing congressional and legislative redistricting plans on the basis of each federal

BILL

decennial census. For example, as soon as possible after receiving from the U.S. Bureau of the Census the population data needed for legislative redistricting, the LRB must use that data to assign a population figure to geographic or political units to facilitate the drawing of redistricting plans. Typically, this data is available on or about April 1 of the first year following the decennial federal census. The LRB must also prepare and publish an analysis describing the population of current legislative and congressional districts and the extent to which the districts may violate the redistricting standards described above. In addition, as municipalities complete their ward plans (typically, by October of the first year following the decennial federal census), the LRB must assign a population figure based upon certified federal census data to each municipal ward, for use in drawing redistricting plans.

Not later than January 1 of the second year following the decennial federal census, the LRB must deliver to the majority leader of the senate and speaker of the assembly identical bills embodying a plan of legislative and congressional districting, drawn in accordance with the standards described above. The bill further specifies a procedure that the legislature must follow in considering the bills, although that procedure is not enforceable by the courts. The bill requires either the assembly or the senate to bring the bill to a vote expeditiously, but not less than seven days after the report of the Redistricting Advisory Commission is received and made available to the members of the legislature. The vote must be under a procedure or rule permitting no amendments except those of a purely corrective nature. If the bill is approved by the first house in which it is considered, the bill must expeditiously be brought to a vote in the second house under a similar procedure or rule.

If neither of the bills delivered by the LRB is approved by both the assembly and the senate, the chief clerk of the house that failed to approve the bill must transmit to the LRB information which that house may direct regarding reasons why the plan was not approved. The LRB must then prepare identical bills embodying a second plan of legislative and congressional redistricting, taking into account the reasons transmitted to the LRB, insofar as it is possible to do so while complying with the standards described above. The LRB must deliver the bill to the majority leader of the senate and the speaker of the assembly no later than twenty-one days after the date of the vote by which the senate or the assembly failed to approve the bill initially submitted. This second bill must be expeditiously introduced and brought to a vote not less than seven days after the date of introduction, in the same manner as prescribed for the initial bill.

If the second bill is similarly rejected by at least one house, the same procedure applies, except that the third bill is subject to amendment in the same manner as other bills.

The bill also provides exceptions to this process to account for variations in the timing of the release of federal census data.

Required contents of redistricting bills

The LRB must ensure that each bill embodying a redistricting plan it draws contains specified conventions to apply wherever territory in a plan is described by geographic boundaries. Also, each such bill must provide that the bill first applies, with respect to regular elections, to offices filled at the next occurring general

BILL

1 **4.01 Preparations for redistricting.** (1) The legislative reference bureau
2 shall acquire appropriate information, review and evaluate available facilities, and
3 develop programs and procedures in preparation for drawing congressional and
4 legislative redistricting plans on the basis of each federal decennial census.

5 (2) By December 1 of the year of the decennial federal census, the legislative
6 reference bureau shall obtain from the U. S. bureau of the census information
7 regarding geographic and political units in this state for which federal census
8 population data has been gathered and will be tabulated. The legislative reference
9 bureau shall use the information to do all of the following:

10 (a) Prepare necessary descriptions of geographic and political units for which
11 census data will be reported and which are suitable for use as components of
12 legislative districts.

13 (b) Prepare maps of geographic and political units within the state which may
14 be used to illustrate the locations of district boundaries proposed in plans prepared
15 in accordance with s. 4.03.

16 (3) As soon as possible after receiving from the U.S. bureau of the census the
17 population data needed for legislative redistricting which the U.S. bureau of the
18 census is required to provide this state under P. L. 94-171 , the legislative reference
19 bureau shall use that data to assign a population figure based upon certified federal
20 census data to each geographic or political unit described under sub. (2) (b). The
21 legislative reference bureau shall prepare and publish an analysis describing the
22 population of current legislative and congressional districts and the extent to which
23 the districts may violate the standards under s. 4.03. Upon satisfying these
24 requirements, the legislative reference bureau shall begin the preparation of
25 congressional and legislative redistricting plans as required under s. 4.02.

BILL

1 **4.015 Use of municipal ward plans.** After receipt of a division ordinance or
2 resolution under s. 5.15 (4) (b), the legislative reference bureau shall use the data
3 obtained from the U.S. bureau of the census under s. 4.01 (3) to assign a population
4 figure based upon certified federal census data to each ward established in the
5 division ordinance or resolution. The legislative reference bureau shall use each
6 ward to which a population figure is assigned in preparing congressional and
7 legislative redistricting plans as required under s. 4.02.

8 **4.02 Preparation of redistricting plans.** (1) Not later than January 1 of
9 the 2nd year following the decennial federal census, the legislative reference bureau
10 shall deliver to the majority leader of the senate and speaker of the assembly
11 identical bills creating plans of legislative and congressional redistricting, prepared
12 in accordance with s. 4.03. Either the assembly or the senate shall bring the bill to
13 a vote expeditiously, but not less than 7 days after the commission report under s.
14 13.49 (3) (c) 2. is received and made available to the members of the legislature. The
15 vote shall be under a procedure or rule permitting no amendments except those of
16 a purely corrective nature. If the bill is approved by the first house in which it is
17 considered, the bill shall expeditiously be brought to a vote in the 2nd house under
18 a similar procedure or rule.

19 (2) If neither of the bills delivered by the legislative reference bureau under
20 sub. (1) is approved by both the assembly and the senate, the chief clerk of the house
21 that failed to approve the bill shall immediately transmit to the legislative reference
22 bureau information which that house may direct regarding reasons why the plan was
23 not approved. The legislative reference bureau shall prepare identical bills
24 embodying a 2nd plan of legislative and congressional redistricting prepared in
25 accordance with s. 4.03 and taking into account the reasons transmitted to the

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1 legislative reference bureau under this subsection insofar as it is possible to do so
2 within the requirements of s. 4.03. The legislative reference bureau shall deliver the
3 bills to the majority leader of the senate and the speaker of the assembly no later than
4 21 days after the date of the vote by which the senate or the assembly failed to
5 approve the bill submitted under sub. (1). Any bill delivered by the legislative
6 reference bureau under this subsection shall be expeditiously introduced and
7 brought to a vote not less than 7 days after the date of introduction, in the same
8 manner as prescribed for the bill required under sub. (1).

9 (3) If neither of the bills delivered by the legislative reference bureau under
10 sub. (2) is approved by both the assembly and the senate, the same procedure as
11 prescribed by sub. (2) shall be followed. If a 3rd plan is required under this
12 subsection, the legislative reference bureau shall deliver the bills to the majority
13 leader of the senate and the speaker of the assembly no later than 21 days after the
14 date of the vote by which the senate or the assembly failed to approve the bill
15 submitted under sub. (2). Any bill delivered by the legislative reference bureau
16 under this subsection shall be expeditiously introduced and brought to a vote not less
17 than 7 days after the date of introduction and shall be subject to amendment in the
18 same manner as other bills.

19 (4) Notwithstanding subs. (1) to (3):

20 (a) If certified federal census data which is sufficient to permit preparation of
21 a congressional redistricting plan becomes available at an earlier time than the
22 population data needed to permit preparation of a legislative redistricting plan in
23 accordance with section 4.03, the legislative reference bureau shall so inform the
24 majority leader of the senate and the speaker of the assembly. If the majority leader
25 of the senate and the speaker of the assembly jointly direct, the legislative reference

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1 bureau shall prepare a separate bill establishing congressional districts and deliver
2 it separately from the bill establishing legislative districts. The legislature shall
3 proceed to consider the congressional redistricting bill in substantially the manner
4 prescribed by subs. (1) to (3).

5 (b) If the population data for legislative redistricting which the U. S. bureau
6 of the census is required to provide this state under P. L. 94-171 and, if used by the
7 legislative reference bureau, the corresponding topologically integrated geographic
8 encoding and referencing data file for that population data, are not available to the
9 legislative reference bureau on or before April 1 of the first year following the
10 decennial federal census, the deadlines set forth in this section shall be extended by
11 a number of days equal to the number of days after April 1 of the first year following
12 the decennial federal census that the population data and the topologically
13 integrated geographic encoding and referencing data file for legislative redistricting
14 become available.

15 **4.03 Redistricting standards.** (1) Legislative and congressional districts
16 shall be established on the basis of population requirements imposed under the
17 Wisconsin Constitution and the U.S. Constitution and requirements imposed under
18 Section 2 of the Voting Rights Act.

19 (2) Senate and assembly districts, respectively, shall satisfy the population
20 standards established in this subsection. The quotient, obtained by dividing the sum
21 of the absolute values of the deviations of all district populations from the applicable
22 ideal district population by the number of districts established, may not exceed 1%
23 of the applicable ideal district population, unless necessary to maintain compliance
24 with Section 2 of the Voting Rights Act. For purposes of this subsection, the ideal
25 district population is determined by dividing the number of districts to be

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1 established into the population of the state reported in the most recent federal
2 decennial census. No senate district may have a population which exceeds that of
3 any other senate district by more than ~~5%~~^{10%} and no assembly district may have a
4 population which exceeds that of any other assembly district by more than ~~5%~~^{10%} unless
5 necessary to maintain compliance with Section 2 of the Voting Rights Act.

6 (3) Congressional districts shall each have a population as nearly equal as
7 practicable to the ideal district population, derived as prescribed in sub. (2), while
8 maintaining compliance with Section 2 of the Voting Rights Act. No congressional
9 district may have a population which varies by more than 1% from the applicable
10 ideal district population, unless necessary to comply with Section 2 of the Voting
11 Rights Act.

12 (4) District boundaries shall coincide with ward boundaries and, to the extent
13 consistent with sub. (1), shall coincide with the boundaries of political subdivisions.
14 The number of political subdivisions divided among more than one district shall be
15 as small as possible. When there is a choice among political subdivisions to divide,
16 the more populous political subdivisions shall be divided before the less populous,
17 except that this requirement does not apply to a legislative district boundary drawn
18 along a county boundary which passes through a city with territory in more than one
19 county.

20 (5) Districts shall be composed of convenient contiguous territory. Areas which
21 meet only at the points of adjoining corners are not contiguous.

22 (6) (a) In this subsection:

23 1. "Population data unit" means a ward, census enumeration district, block, or
24 other unit of territory having clearly identified geographic boundaries and for which

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1 a total population figure is included in or can be derived directly from certified
2 federal census data.

3 2. “Geographic unit center” means that point within a population data unit
4 approximately equidistant from the northern and southern extremities, and also
5 approximately equidistant from the eastern and western extremities of the
6 population data unit. This point shall be determined by visual observation of a map
7 of the population data unit, unless it is otherwise determined within the context of
8 an appropriate coordinate system developed by the federal government or another
9 source that the legislative reference bureau determines is qualified and objective and
10 is obtained for use in this state with prior approval of the joint committee on
11 legislative organization.

12 3. ““X” coordinate” means the relative location of a point along the east–west
13 axis of the state. Unless otherwise measured within the context of an appropriate
14 coordinate system obtained for use as permitted by subd. 2., the “x” coordinate shall
15 be measured along a line drawn due east from a due north and south line running
16 through the point which is the western extremity of this state, to the point to be
17 located.

18 4. ““Y” coordinate” means the relative location of a point along the north–south
19 axis of the state. Unless otherwise measured within the context of an appropriate
20 coordinate system obtained for use as permitted by subd. 2., the “y” coordinate shall
21 be measured along a line drawn due south from a due east and west line running
22 through the point which is the northern extremity of this state, to the point to be
23 located.

24 (b) To the extent consistent with subs. (1) to (3), districts shall be compact in
25 form. Compact districts are those which are square, rectangular, or hexagonal in

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1 shape to the extent permitted by natural or political boundaries. When it is
2 necessary to compare the relative compactness of 2 or more districts, or of 2 or more
3 alternative redistricting plans, the tests prescribed by pars. (c) and (d) shall be used.
4 Should the results of these 2 tests be contradictory, the standard under par. (c) shall
5 be given greater weight than the standard under par. (d).

6 (c) 1. The compactness of a district is greatest when the length of the district
7 and the width of the district are equal. The measure of a district's compactness is
8 the absolute value of the difference between the length and the width of the district.

9 2. In measuring the compactness of a district by means of electronic data
10 processing, the difference between the "x" coordinates of the easternmost and the
11 westernmost geographic unit centers included in the district shall be compared to the
12 difference between the "y" coordinates of the northernmost and southernmost
13 geographic unit centers included in the district.

14 3. To determine the length and width of a district by manual measurement, the
15 distance from the northernmost point or portion of the boundary of a district to the
16 southernmost point or portion of the boundary of the same district and the distance
17 from the westernmost point or portion of the boundary of the district to the
18 easternmost point or portion of the boundary of the same district shall each be
19 measured. If the northernmost or southernmost portion of the boundary, or each of
20 these points, is a part of the boundary running due east and west, the line used to
21 make the measurement required by this subdivision shall be drawn either due north
22 and south or as nearly so as the configuration of the district permits. If the
23 easternmost or westernmost portion of the boundary, or each of these points, is a part
24 of the boundary running due north and south, a similar procedure shall be followed.
25 The lines to be measured for the purpose of this subdivision shall each be drawn as

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1 required by this subdivision, even if some part of either or both lines lies outside the
2 boundaries of the district which is being tested for compactness.

3 4. The absolute values computed for individual districts under this paragraph
4 may be cumulated for all districts in a plan in order to compare the overall
5 compactness of 2 or more alternative redistricting plans for the state or for a portion
6 of the state. However, it is not valid to cumulate or compare absolute values
7 computed under subd. 2. with those computed under subd. 3.

8 (d) 1. The compactness of a district is greatest when the ratio of the dispersion
9 of population about the population center of the district to the dispersion of
10 population about the geographic center of the district is one to one.

11 2. The population dispersion about the population center of a district or about
12 the geographic center of a district is computed as the sum of the products of the
13 population of each population data unit included in the district multiplied by the
14 square of the distance from the geographic unit center of that population data unit
15 to the population center or the geographic center of the district, as the case may be.
16 The geographic center of the district is defined by averaging the locations of all
17 geographic unit centers which are included in the district. The population center of
18 the district is defined by computing the population-weighted average of the “x”
19 coordinates and “y” coordinates of each geographic unit center assigned to the
20 district, it being assumed for the purpose of this calculation that each population
21 data unit possesses uniform density of population.

22 3. The ratios computed for individual districts under this paragraph may be
23 averaged for all districts in a plan in order to compare the overall compactness of 2
24 or more alternative redistricting plans for the state or for a portion of the state.

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1 (7) In preparing any redistricting plan, the legislative reference bureau shall
2 be strictly nonpartisan. No district may be drawn for the purpose of favoring a
3 political party, incumbent legislator or member of Congress, or other person or group
4 or, except to the extent required under sub. (1), for the purpose of augmenting or
5 diluting the voting strength of a language or racial minority group. In establishing
6 districts, no use shall be made of any of the following data:

7 (a) The residence addresses of incumbent legislators or members of Congress.

8 (b) Political affiliations of registered voters.

9 (c) Previous election results.

10 (d) Demographic information except as necessary to meet the requirements of
11 sub. (1).

12 (8) The number of assembly districts in any redistricting plan may not be less
13 than 54 nor more than 100. The number of senate districts in any redistricting plan
14 may not be more than one-third nor less than one-fourth of the number of assembly
15 districts. Each senate district shall contain only whole assembly districts. Except
16 as otherwise provided in this subsection, to the extent possible, each congressional
17 district shall contain only whole senate districts. The other standards specified in
18 this section shall take precedence where a conflict arises between those standards
19 and the requirement of including only whole senate districts within a congressional
20 district.

21 **4.04 Required provisions in redistricting bills.** Each bill delivered under
22 s. 4.02 shall provide all of the following:

23 (1) That, wherever territory is described in the bill by geographic boundaries,
24 the following conventions are used:

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1 (a) Each bound continues to the intersection with the bound next named, or to
2 the intersection with a straight-line extension of such bound.

3 (b) If the bound is a street, it follows the center line of the street or the center
4 line of the street extended.

5 (c) If the bound is a railroad right-of-way, it follows the center line of the
6 railroad right-of-way.

7 (d) If the bound is a river or stream, it follows the center of the main channel
8 of such river or stream.

9 (e) If the bound follows a municipal boundary, it coincides with such boundary.

10 (2) That the bill first applies, with respect to regular elections, to offices filled
11 at the next occurring general election after the bill takes effect and, with respect to
12 special or recall elections, to offices filled or contested on or after the date of that
13 general election.

14 **4.05 Challenge based on population inequality; burden of proof.** If an
15 action is brought challenging a legislative redistricting plan under this chapter on
16 the basis of an excessive population variance among senate or assembly districts
17 established in the plan, the legislature has the burden of justifying any variance in
18 excess of ^{10%}5% between the population of a senate or assembly district and the
19 applicable ideal district population. If an action is brought challenging a
20 congressional redistricting plan under this chapter on the basis of an excessive
21 population variance among congressional districts established in the plan, the
22 legislature has the burden of justifying any variance in excess of 1% between the
23 population of a congressional district and the applicable ideal district population.

24 **SECTION 5.** 5.15 (4) (a) of the statutes is amended to read:

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1 5.15 (4) (a) The division ordinance or resolution shall number all wards in the
2 municipality in whole numbers in consecutive order, beginning with the number one,
3 shall designate the polling place for each ward, and shall describe the boundaries of
4 each ward consistent with the conventions set forth in ~~s. 4.003~~ 4.04 (1). The
5 ordinance or resolution shall be accompanied by a list of the block numbers used by
6 the U.S. bureau of the census that are wholly or partly contained within each ward,
7 with any block numbers partly contained within a ward identified, and a map of the
8 municipality which illustrates the revised ward boundaries.

9 **SECTION 6.** 13.49 of the statutes is created to read:

10 **13.49 Redistricting advisory commission.** (1) **DEFINITIONS.** In this section:

11 (a) “Chief election officer” means the executive director of the elections board.

12 (b) “Four selecting authorities” means all of the following:

13 1. The majority leader of the senate.

14 2. The minority leader of the senate.

15 3. The speaker of the assembly.

16 4. The minority leader of the assembly.

17 (c) “Partisan public office” means any of the following:

18 1. The office of governor, lieutenant governor, secretary of state, state treasurer,
19 attorney general, state senator or state representative to the assembly.

20 2. A county office which is filled by an election process involving nomination
21 and election of candidates on a partisan basis.

22 (d) “Political party office” means an elective office in a political party, as defined
23 in s. 5.02 (13), or in a national political party.

24 (e) “Relative” means an individual who is related to the person in question as
25 father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece,

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1 husband, wife, grandfather, grandmother, father-in-law, mother-in-law,
2 son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather,
3 stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half
4 sister.

5 (2) GENERAL PROVISIONS. (a) Not later than February 15 of the first year
6 following the decennial federal census, a temporary redistricting advisory
7 commission is created consisting of 5 members. Each of the 4 selecting authorities
8 shall certify to the chief elections officer the selecting authority's appointment of a
9 person to serve on the commission. Within 30 days after the last selecting authority
10 has certified his or her appointment, but not later than February 15 of the first year
11 following the decennial federal census, the 4 commission members so appointed shall
12 select, by a vote of at least 3 members, and certify to the chief elections officer the 5th
13 commission member, who shall serve as chairperson.

14 (b) No individual may be appointed to the redistricting advisory commission
15 who satisfies any of the following:

16 1. The individual is not an eligible elector of this state at the time of the
17 appointment.

18 2. The individual holds partisan public office or political party office.

19 3. The individual is a relative of or is employed by a member of the legislature
20 or of Congress, or is employed directly by the legislature or Congress.

21 (c) Members of the redistricting advisory commission appointed by a selecting
22 authority shall be reimbursed from the appropriation account under s. 20.765 (1) (a)
23 or (b), depending upon the house in which that member's appointing authority holds
24 office, for actual and necessary expenses incurred in performance of duties as a
25 commission member. The member who is not appointed by a selecting authority

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1 shall be reimbursed from the appropriation under s. 20.765 (1) (a) for actual and
2 necessary expenses incurred in performance of duties as a commission member.

3 (d) A vacancy on the redistricting advisory commission shall be filled as
4 provided in s. 17.20 (1) within 15 days after the vacancy occurs.

5 (e) Each redistricting advisory commission terminates upon complying with
6 sub. (3).

7 **(3) DUTIES.** The redistricting advisory commission shall do all of the following:

8 (a) If requested to do so by the legislative reference bureau, provide direction
9 to the legislative reference bureau concerning any decision the legislative reference
10 bureau must make in preparing a redistricting plan under subch. II of ch. 4 for which
11 no clearly applicable guideline is provided under s. 4.03.

12 (b) Upon delivery by the legislative reference bureau of a bill embodying a
13 redistricting plan as required under s. 4.02, make available to the public at the
14 earliest feasible time all of the following information:

- 15 1. Copies of the bill.
- 16 2. Maps illustrating the plan.
- 17 3. A summary of the standards prescribed under s. 4.03 for development of the
18 plan.
- 19 4. A statement of the population of each district included in the plan, and the
20 relative deviation of each district population from the ideal district population.

21 (c) Upon delivery by the legislative reference bureau of an initial bill embodying
22 a redistricting plan as required under s. 4.02 (1), do all of the following:

- 23 1. As expeditiously as reasonably possible, schedule and conduct at least 3
24 public hearings, in different geographic regions of the state, on the plan embodied
25 in the bill.

Emery, Lynn

From: Genrich, Eric
Sent: Monday, February 23, 2004 4:09 PM
To: LRB.Legal
Subject: LRB-2537/2

Sen. Hansen

Can I please get this bill draft jacketed? Thanks.

Senate