

1/28/04

WCA -

no position on

SS 351

(talked to Matt Stohr)



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2003 Senate Bill 351

**Senate Substitute
Amendment 1 and Senate
Amendments 1 and 2 to the
Substitute Amendment**

Memo published: March 4, 2004

Contact: Mary Offerdahl, Staff Attorney (266-2230)

Current law requires a county board in a county with more than one town and a population of less than 500,000 (currently, all counties in Wisconsin except Menominee and Milwaukee counties) to revise its supervisory district plan once every 10 years in response to the results of the decennial federal census. Although such a board may change boundaries of supervisory districts between federal decennial censuses in response to certain events, it is prohibited from changing the number of supervisory districts—and thus the number of supervisors on the county board, since one supervisor represents each district—until the next decennial federal census.

Senate Substitute Amendment 1 allows such counties to decrease the number of county board supervisors between federal decennial censuses, either by a board-initiated redistricting plan or by petition and referendum. It also allows certain cities to decrease the number of aldermanic districts and corresponding council members in response to such a plan.

Board-Initiated Redistricting Plan

The substitute amendment allows a county board in a county with more than one town and a population of less than 500,000 to adopt an intra-decade redistricting plan to reduce the number of supervisors, if the plan satisfies certain requirements also applicable to decennial redistricting plans. These include requirements that districts be substantially equal in population, as compact as possible, consist of contiguous whole wards in existence when the redistricting plan is adopted, contain whole contiguous municipalities or contiguous parts of the same municipality, and retain original district numbers to the extent possible. The intra-decade redistricting plan would take effect on November 15 following its enactment, and first applies to the election of supervisors at the next spring election following the effective date that immediately precedes the expiration of the terms of office of supervisors in the county.

Petition and Referendum

The substitute amendment also allows the electors in such a county, by petition and referendum, to require the board to decrease the number of supervisors at any time after the first election is held

following enactment of a decennial redistricting plan. The petitioner must register with the county clerk before circulating the petition and has 60 days following the registration to obtain the required number of signatures (at least 25% of the total votes cast for the office of supervisor at the most recent supervisory election). Upon determining that the petition is sufficient, the county clerk must call a referendum concurrently with the next spring or general election in the county that is held not earlier than 42 days after the determination is made. If the question is approved by a majority of the voting electors, the board must enact an ordinance in accordance with the approved question and no further such petition may be filed in that county until after the board enacts the next decennial redistricting plan.

Any other petitioner may file an alternative petition within 14 days after the last day for filing an original petition to propose a different number of supervisors. If valid, both the original and alternative petition/s are submitted at the referendum. The first question on the referendum must be "Shall the size of the county board of supervisors of...County be decreased from its current membership of...members?" The subsequent question/s must be "If so, shall the size of the board be decreased to...members?" If the first question were not approved by a majority of the electors voting on it, the subsequent question/s would be of no effect. If the first question were approved, the board must enact an ordinance in accordance with the choice receiving a plurality of the votes cast.

When any redistricting plan resulting from this petition and referendum process would be enacted and first apply depends on whether the referendum is approved at a spring election or general election:

- Any "redistricting plan" approved at a spring election must be enacted no later than November 15 following that election and first applies to the election of supervisors at the next spring election immediately preceding the expiration of the terms of office of supervisors in the county.
- Any "redistricting plan" approved at a general election must be enacted no later than the second succeeding November 15 following that election and first applies to the election of supervisors at the next spring election following that November 15 immediately preceding the expiration of the terms of office of supervisors in the county.

Supervisors elected from the districts created serve two-year terms and must take office on the third Monday in April following their election. *Senate Amendment 1 to the Substitute Amendment* changes this from the third "Monday" in April to the third "Tuesday" to conform with when other county board supervisors take office, and in the two bulleted sentences above it replaces the words "redistricting plan" with "reduction in the number of supervisory districts," and requires these reductions to be enacted "in the form of a redistricting plan" no later than the specified dates.

Senate Amendment 2 to the Substitute Amendment provides that, if the board has adopted staggered terms for district supervisors under a statutory provision that allows counties to self-organize, the board may change the expiration date of the term of any supervisor to an earlier date than the date provided under current ordinance if required to implement the redistricting or to maintain classes of members.

Corresponding Decrease in Aldermanic Districts and Common Council Members in Certain Cities

The substitute amendment allows the common council of a city with aldermanic districts coterminous with the supervisory districts of a county to decrease the number of aldermanic districts and the corresponding number of council members if the city is solely contained in a county that has decreased the number of county board supervisors between federal decennial censuses.

Legislative History

On February 24, 2004, the Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform introduced and recommended adoption of Senate Amendment 1 to Senate Substitute Amendment 1 by a vote of Ayes, 5, Noes, 0; introduced and recommended adoption of Senate Substitute Amendment 1, as amended, by a vote of Ayes, 5, Noes, 0; and recommended passage of the bill as amended by a vote of Ayes, 5, Noes, 0.

On March 2, 2004, the Senate adopted Senate Amendment 1 to Senate Substitute Amendment 1 by voice vote; Senator Kanavas offered, and the Senate adopted, Senate Amendment 2 to Senate Substitute Amendment 1 by voice vote; and the Senate adopted Senate Substitute Amendment 1 and passed the bill, as amended, by voice vote.

MO:wu:rv



TED KANAVAS

STATE SENATOR

Date: Thursday, January 29, 2004

To: Members of the Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform

From: Senator Kanavas

Re: Testimony in support of SB 351 - relating to: the size of the county board of supervisors in certain counties.

Chairman Brown and members of the Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform, I appreciate the opportunity to testify in favor of Senate Bill 351.

Senate Bill 351 allow for the reduction of the size of county board of supervisors in certain counties providing that certain conditions are met. The bill will allow for the reduction of the number of county board of supervisors in counties with a population of less than 500,000 residents at any point during the ten-year period between the decennial redistricting plans.

In general, in order to reduce the size of the county board of supervisors, a petition needs to be signed by at least 25% of the number of electors in the last election for the position of the county board of supervisor. If there the petition number is valid, then the question will be brought to the voters through a referendum.

I believe that this provision is beneficial to the residents within the county. It will create more accountability for the county board of supervisor's position, due to the fact that there will be more people vying for the position in the election.

Further, since there are very few individuals running for these positions, the more contested elections will bring to light the issues and proposals to better the county.

This is good public policy. And, I would appreciate your support for Senate Bill 351.

Thanks again.

STATE CAPITOL

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Gilbert, Melissa

From: Offerdahl, Mary
Sent: Friday, February 27, 2004 4:07 PM
To: Gilbert, Melissa
Cc: Sweet, Richard
Subject: SB 351 sub changes from original

Missy, I just sent you the Amendment memo, but one thing that doesn't do is compare the original bill to the sub (it just compares current law to the sub). So in response to your email below:

In addition to the "Corresponding decrease in aldermanic districts and common council members in certain cities" section at the end of my amendment memo (you mention that change in your email), the following three changes from the original bill relate to the ***petition and referendum process***:

- The original does not have the sub's language on page 5 of the sub, starting at line 20, stating that if the number of supervisors in a county is decreased by petition, no further petition may be filed in that county until after enactment of the next decennial plan. In other words, **only one petition and referendum attempt can succeed between decennial redistricting plans.**
- The original does not have the sub's provisions for an **alternative petition or petitions**, described on the second paragraph of page 2 of my amendment memo.
- Under the original bill, bottom of page 3, as you mention in your email, a three-person committee would have enacted an ordinance if a referendum were approved. The sub changes this to the county board.

Mary Offerdahl
Staff Attorney
Legislative Council

-----Original Message-----

From: Gilbert, Melissa
Sent: Friday, February 27, 2004 9:49 AM
To: Offerdahl, Mary
Subject: SB 351 amendment

Hi Mary,

Are you working on a memo detailing the amendments made to SB 351 by the Homeland Security committee? Or can you briefly describe the differences between the sub and the bill? I know one of the major changes deals with the aldermanic districts, and one of the others changed the body responsible for the redistricting plan to the county board rather than a three-person committee, but I think there was something else. Sorry, I guess I forgot to take notes at the hearing. If you don't have time, I'll just try to figure it out on my own.

Thanks for all your help this session, by the way. You've really done a great job!

Missy
Melissa Gilbert
Committee Clerk
Homeland Security, Veterans and Military Affairs and Government Reform
Office of Sen. Ron Brown
608-266-8546