

2011 DRAFTING REQUEST

Bill

Received: **06/23/2011**

Received By: **jkuesel**

Wanted: **Soon**

Companion to LRB:

For: **Scott Fitzgerald (608) 266-5660**

By/Representing: **Tad Ottman**

May Contact:

Drafter: **jkuesel**

Subject: **Elections - miscellaneous
Local Gov't - misc
Courts - civil procedure**

Addl. Drafters: **phurley**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Fitzgerald@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Redistricting process and appellate procedure; municipal ward division; apportionment of supervisory and aldermanic districts

Instructions:

Per attached and LRB-09-0193/P3. Also change period for local subdistricting and redistricting to 45-45-45 day intervals beginning after 2020 decennial census. P/C, 6/30/11: delete recount changes, add LRB-2291/P1, import changes from redistricting drafts relating to redistricting process.

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/?	jkuesel 06/27/2011	csicilia 06/28/2011		_____			
/P1			rschluet 06/28/2011	_____	lparisi 06/28/2011		
/1	jkuesel	csicilia	mduchek	_____	sbasford	mbarman	

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	07/01/2011	07/01/2011	07/01/2011	_____	07/01/2011	07/05/2011	

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Extra Copies: **Mike Keane
CJS**

Submit via email: **YES**

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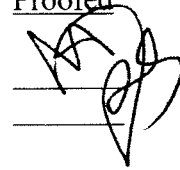
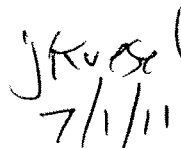
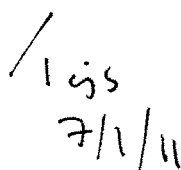
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1?/1	jkuesel 6/27/11	1 ijs 6/28/11	6/28/11 62871	MD			

FE Sent For:

<END>

Review of Congressional and State Legislative Redistricting Statutes.

I.

Any action or proceeding that is filed that challenges the constitutionality of the apportionment of any congressional district or the apportionment of any state legislative district shall be heard by a circuit court of three judges. The court with which any such action is filed shall notify the Clerk of the Supreme Court within five days of the filing of any such action. The Clerk of the Supreme Court shall inform the Supreme Court which shall choose three judges, each from a court of record, to hear and decide the action. The Clerk of the Supreme Court shall give notice to the court with which the action was filed and to the parties of the three judges chosen to hear and decide the action. The appeal of a decision of the three-judge court shall be heard by the Supreme Court.

Supreme Court to Choose Judge to Preside in Action or Proceeding to Review
Recount Determination in a Recount of an Election of a State-Wide Official.

II.

The Supreme Court, rather than the Chief Justice of the Supreme Court, shall make the appointment of a circuit judge to hear an appeal from a recount determination in a recount of an election that is held in more than one judicial administrative district.

(DNOTE)
2011 }
~~2009-2010~~ LEGISLATURE
TODAY

-22961P1
LRB-0193/P3
JTK
cjs

LSA II
LSA09

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

PWF

Gen Cat

1 AN ACT *to renumber and amend* 59.10 (3) (c); *to amend* 5.15 (1) (a) 1. and 2.
2 5.15 (1) (b), 5.15 (1) (c), 5.15 (2) (bm), 5.15 (2) (e), 5.15 (2) (f) (intro.), 5.15 (2) (g),
3 5.15 (4), 5.15 (7), 59.10 (2) (a), 59.10 (2) (d), 59.10 (3) (b) 1., 59.10 (3) (b) 2., 59.10
4 (3) (b) 4., 59.10 (3) (cm) 1., 59.10 (6), 62.08 (1) and 62.08 (4m); *to repeal and*
5 *recreate* 4.002; and *to create* 5.15 (2) (b) (intro.), 59.10 (3) (b) 3. and 59.10 (3)
6 (c) 2. and 3. of the statutes; **relating to:** division of municipalities into wards
7 *and selection of courts to hear appeals of recount determinatio*
and redistricting of supervisory and aldermanic districts.

JWS
IA

Analysis by the Legislative Reference Bureau

Municipal ward plan revisions

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, and counties and cities are required to redistrict supervisory and aldermanic districts so that the districts contain, as nearly as practicable, an equal number of inhabitants according to the census results. 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). Counties and municipalities are required to complete this action in three steps, which in no case may conclude later than 180 days after publication of the census results. (Usually, the process begins in April and ends in October of the year following the year of the census.) If counties or municipalities fail to adopt division plans, the courts may do so upon petition by interested parties. Revised county and municipal district plans are used to elect members of county boards of supervisors and common councils in the spring of the second year following the year of the census. The legislative and congressional redistricting plans 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. The legislature may adjust the boundaries of a municipal ward and use the revised ward boundaries to create a legislative or congressional district.

*subdivide
or*

This bill amends various laws to facilitate the legislative and congressional redistricting process and directs counties and municipalities to revise their ward and districting plans to reflect any legislative act establishing a legislative or congressional district boundary that does not coincide with a ward or municipal boundary.

The bill also provides that when a municipality is consolidated with another municipality, the governing body of the consolidated municipality must revise its municipal ward plan to the extent required to effect the change. Currently, the statutes do not address this issue.

County supervisory district plans

Currently, within 60 days after publication of the federal decennial census, each county must adopt a tentative county supervisory district plan. Each municipality must adopt a ward division plan, if it is required to do so, within 60 days after the county or counties in which the municipality is located adopt a tentative county supervisory district plan, and each county then must adopt a final supervisory district plan within 60 days after every municipality in the county adopts a ward division plan, if it is required to do so. Currently, the tentative plan must include suggested boundaries or information concerning the number of supervisors to be elected and a description of boundary requirements.

This bill provides that a final county supervisory district plan must not be inconsistent with the tentative plan except to accommodate authorized municipal ward divisions or to reflect an official correction to the census. The bill also applies to amended supervisory district plans in counties other than Milwaukee and Menominee the same standards with respect to contiguity, compactness, numbering, and applicability that apply to amended plans in Milwaukee County. In addition, the bill applies to tentative district plans in Milwaukee County the same standards with respect to contiguity that apply to final district plans in that county.

Incorporation of census corrections

Currently, decennial ward division plans, as well as decennial county supervisory and city aldermanic district plans, are based on the federal decennial census. The statutes do not treat the issue of corrections that the U.S. Bureau of the Census issues. This bill provides that the ward plans and aldermanic district plans

shall reflect the census results, including any corrections, for the populations of counties, municipalities, and census blocks on April 1 of the year of the census, if corrections are issued prior to adoption of a decennial ward plan, or if a municipality that is affected by a correction is not divided into wards, prior to adoption of a county supervisory district plan.

Amended aldermanic district plans

The bill makes an amended aldermanic district plan that may be adopted in certain cities in response to an intradecade county supervisory district plan subject to the same passage and notice requirements, and district composition requirements, that apply currently to original decennial aldermanic district plans. Under current law, absent members are not included in determining passage requirements and there are no notice and district composition requirements for these amended plans.

→ *EC Sub 6* **Minor and technical changes**

The bill also makes other minor technical changes in the law to facilitate the ward division and county and municipal redistricting process.

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

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~~SECTION 1. 4.002 of the statutes is repealed and recreated to read:~~
~~4.002 Municipal wards; definition. In this chapter "ward" means a municipal ward in effect on January 1 of the 2nd year following a federal decennial census.~~

~~****NOTE: The current definition of "ward" is tied to the 1980 decennial census. This SECTION creates a more useful definition that has continuing effect.~~

SECTION 2. 5.15 (1) (a) 1. and 2. of the statutes are amended to read:

5.15 (1) (a) 1. Every city, village, and town in this state shall by ordinance or resolution of its common council or village or town board, respectively, be divided into wards as provided in this section, except as authorized in sub. (2). The boundaries of the wards established under this section, and the number assigned to each ward, are intended to be as permanent as possible, and to this end each ward shall when created contain a population at a convenient point within the applicable population

1 range under sub. (2) (b), with due consideration for the known trends of population
2 increase or decrease within that part of the municipality in which the ward is located.

3 2. Once established, the boundaries of each ward shall remain unchanged until
4 a further decennial federal census of population indicates that the population of a
5 ward is then above or below the applicable population range or until the ward
6 boundaries are required to be changed to permit creation of supervisory or
7 aldermanic districts of substantially equal population or to enhance the
8 participation of members of a racial or language minority group in the political
9 process and their ability to elect representatives of their choice, or until
10 authorized or required under this section.

← Score comma

***NOTE: A municipal "ordinance or resolution" is referenced in s. 5.15 (1) (b), (4), (6) (a), and (7), stats. This SECTION also reconciles language with other provisions that authorize or require ward boundary changes.

11 SECTION 3. 5.15 (1) (b) of the statutes is amended to read:

12 5.15 (1) (b) Except as authorized in sub. (2) (a), within ~~60~~ ⁴⁵ days after the receipt
13 of a tentative supervisory district plan and written statement, if any, from the county
14 board of each county in which a municipality is located, the governing body of the
15 municipality shall adjust its wards according to the schedule shown in sub. (2). All
16 territory contained within the municipality, and only the territory so contained, on
17 ~~August 1 following~~ ^{April 1 of} the year of the federal decennial census shall be contained within
18 a ward established under the division ordinance or resolution. Except as authorized
19 in sub. (2), each ward shall consist of whole blocks, as utilized by the U.S. bureau of
20 the census in the most recent federal decennial census. To suit the convenience of
21 the voters residing therein each ward shall, as far as practicable, be kept compact
22 and observe the community of interest of existing neighborhoods and other
23 settlements. All territory within a ward shall be contiguous, except for island

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1 territory as defined in sub. (2) (f) 3. Enactment or adoption of a division ordinance
2 or resolution requires the affirmative vote of a majority of the members of the
3 governing body.

~~***NOTE: This Section defines the term "block" in accordance with the accepted
understanding of the term.~~

4 SECTION 4. 5.15 (1) (c) of the statutes is amended to read:

5 5.15 (1) (c) The wards established by municipal governing bodies in a division
6 ordinance or resolution enacted or adopted under this section ~~on the basis of the~~
7 ~~published results of each federal decennial census of population~~ shall govern the
8 adjustment of supervisory districts under s. 59.10 (2) (a) and (3) (b) ~~(a)~~ and of
9 aldermanic districts under s. 62.08 (1) for the purpose of local elections beginning on
10 January 1 of the 2nd year commencing after the year of the census until revised
11 under this section on the basis of the results of the next decennial census of
12 population unless adjusted under sub. (2) (f) 4., (6) (a) or (7), or unless adjusted, as
13 a matter of statewide concern, in the enactment of a division is required to effect an
14 act of the legislature redistricting legislative districts under article IV, section 3, of
15 the constitution ~~on the basis of the most recent decennial census of population or~~
16 redistricting congressional districts. The populations of wards under each decennial
17 ward division shall be determined on the basis of the federal decennial census and
18 any official corrections to the census issued on or before the date of adoption of the
19 ward division ~~to reflect the correct populations of the municipality and the blocks~~
20 within the municipality on April 1 of the year of the census.

~~***NOTE: Requires a revision of ward boundaries whenever required to reflect a
congressional redistricting act. Incorporates official census corrections that have been
issued on the date of adoption of the ward plan into the population figures upon which
the plan is based.~~

21 SECTION 5. 5.15 (2) (b) (intro.) of the statutes is created to read:

1

5.15 (2) (b) (intro.) Except for wards created to ~~effect~~^{effect} an act of the legislature redistricting legislative districts under article IV, section 3, of the constitution or redistricting congressional districts and except as authorized under pars. (bm), (c), (e), and (f) and sub. (7), wards shall contain the following numbers of inhabitants:

****NOTE: To aid in comprehension, supplies an introductory paragraph for the provision of the statutes that governs ward population parameters.

5

SECTION 6. 5.15 (2) (bm) of the statutes is amended to read:

6

5.15 (2) (bm) Every city electing the members of its common council from aldermanic districts shall assemble the blocks wholly or partially contained within the city into wards that will enable the creation of aldermanic districts that are substantially equal in population. If a block is partly contained within the city, the city shall divide the block to form a ward containing the portion of the block that lies within the city.

****NOTE: Requires a city to divide any census block that is partially contained within the city. Elections cannot be administered unless this is done.

12

SECTION 7. 5.15 (2) (e) ^{and (f) (intro.)} of the statutes ^{are} amended to read:

13

5.15 (2) (e) Notwithstanding par. (b), if re enactment or ~~If~~ territory is detached from a city, village or town after adoption of a decennial ward plan, and the remaining portion of the ward to which it was attached falls below the prescribed minimum population for the applicable range, the remaining portion of the population may be constituted a ward by itself.

18

~~SECTION 8. 5.15 (2) (f) (intro.) of the statutes is amended to read:~~

19

~~5.15 (2)~~ (f) (intro.) Notwithstanding par. (b), any Any city, village or town may establish a ward below the prescribed minimum population for the applicable range whenever the proposed ward is established under par. (a), (d) or (e) or whenever the proposed ward contains solely:

22

~~***NOTE: Proposed s. 5.15 (2) (b) (intro.) above makes clear that the statutory ward population parameters yield to the exceptions under this SECTION.~~

1 SECTION 9. 5.15 (2) (g) of the statutes is amended to read:

2 5.15 (2) (g) If a block is affected by an annexation or detachment which
3 establishes a municipal boundary that subdivides the block, the municipalities in
4 which the block is contained shall incorporate only the portion of the block contained
5 within their boundaries in their ~~ward plans~~ division ordinances or resolutions.

~~****NOTE: Standardizes terminology.~~

6 SECTION 10. 5.15 (4) of the statutes is amended to read:

7 5.15 (4) (a) The division ordinance or resolution shall number all wards in the
8 municipality ~~in~~ with unique whole numbers in consecutive order, beginning with the
9 number one, shall designate the polling place for each ward, and shall describe the
10 boundaries of each ward consistent with the conventions set forth in s. 4.003. The
11 ordinance or resolution shall be accompanied by a list of the block numbers used by
12 the U.S. bureau of the census that are wholly or partly contained within each ward,
13 with any block numbers partly contained within a ward identified, and a map of the
14 municipality which illustrates the revised ward boundaries. If the legislature, in an
15 act redistricting legislative districts under article IV, section 3, of the constitution,
16 or in redistricting congressional districts, establishes a district boundary within a
17 municipality that does not coincide with the boundary of a ward established under
18 the ordinance or resolution of the municipality, the municipal governing body shall,
19 no later than May 15 of the 2nd year following the year of the federal decennial
20 census on which the act is based, amend the ordinance or resolution to ~~reflect~~ ^{the extent required to effect} the act.

21 The amended ordinance or resolution shall designate the polling place for any ward
22 that is created to ~~reflect~~ ^{effect} the legislative act.

****NOTE: Requires a municipality whose ward division plan is inconsistent with a congressional or legislative district plan to adjust its ward boundaries consistently with the plan. Elections cannot be administered unless this is done.

1 (b) Within 5 days after adoption or enactment of an ordinance or resolution
 2 under this section or any amendment thereto, the municipal clerk shall transmit one
 3 copy of the ordinance or resolution or the amendment to the county clerk of each
 4 county in which the municipality is contained, accompanied by the list and map
 5 specified in par. (a). If the population of the municipality exceeds 10,000, the
 6 municipal clerk shall furnish one copy to the legislative reference bureau at the same
 7 time. Each copy shall identify the name of the municipality and the county or
 8 counties in which it is located.

****NOTE: Requires copies of amendments to ward division plans to be filed in the same manner as copies of original plans.

9 SECTION 11. 5.15 (7) of the statutes is amended to read:

10 5.15 (7) If a new town is created or if part of a town is annexed to a city or village
 11 during a decennial period after the period for ward adjustments under sub. (1) (b),
 12 the town board of any town to which territory is attached or from which territory is
 13 detached, without regard to the time provisions of sub. (1) (b), may, by ordinance or
 14 resolution, create new wards or adjust the existing wards in that town, but no to the
 15 extent required to ^{reflect} the change. If a municipality is consolidated with another
 16 municipality during a decennial period after the period for ward adjustments under
 17 sub. (1) (b), the governing body of the consolidated municipality, without regard to
 18 the time provisions under sub. (1) (b), may, by ordinance or resolution, create new
 19 wards or adjust the existing wards of the municipality to the extent required to ^{reflect}
 20 the change. No ward line adjustment under this subsection may cross the boundary
 21 of an assembly or supervisory district. The town municipal clerk shall transmit

1 copies of the ordinance or resolution making the adjustment in compliance with sub.
2 (4) (b).

NOTE: Provides that when a municipality is consolidated with another municipality after the decennial ward division is made, the governing body of the consolidated municipality must create new wards or adjust its existing wards to the extent required to effect the change. Requires any boundary change to be congruent with assembly and supervisory district boundaries so that legislative and county supervisory districts can continue to be used. Currently, the statutes do not permit an intradecade revision of ward boundaries for this purpose.

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3 SECTION 12. 59.10 (2) (a) of the statutes is amended to read:

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5 59.10 (2) (a) *Composition; supervisory districts.* Within ~~60~~ 45 days after the
6 population count by census block, established in the decennial federal census of
7 population, and maps showing the location and numbering of census blocks become
8 available in printed form from the federal government or are published for
9 distribution by an agency of this state, but no later than July 1 following the year of
10 each decennial census, the board shall adopt and transmit to the governing body of
11 each city and village wholly or partially contained within the county a tentative
12 county supervisory district plan to be considered by the cities and villages when
13 dividing into wards. The tentative plan shall specify the number of supervisors to
14 be elected and shall divide the county into a number of districts equal to the number
15 of supervisors, with each district substantially equal in population and consisting of
16 contiguous whole wards or municipalities, except as authorized in sub. (3) (b) 2.
17 Except as otherwise provided in this paragraph, the board shall develop and adopt
18 the tentative plan in accordance with sub. (3) (b) 1. The tentative plan shall not
19 include provision for division of any census block, as utilized by the U.S. bureau of
20 the census in the most recent federal decennial census, unless the block is bisected
21 by a municipal boundary or unless a division is required to enable creation of
supervisory districts that are substantially equal in population. The board shall

1 adopt a final plan by enacting an ordinance in accordance with sub. (3) (b) 2. to 4.
2 Changes to the final plan shall be governed by par. (d) and sub. (3) (c).

***NOTE: Provides that census blocks may be divided only to coincide with a municipal boundary for purposes of election administration or if required to meet constitutional "one person one vote" requirements in county redistricting plans. In general, it is very undesirable to divide census blocks because accurate population data for divided blocks may not be available.

amended

3 SECTION 13. 59.10 (2) (d) of the statutes is amended to read:

4 59.10 (2) (d) *Changes during decade.* 1. 'Number of supervisors, redistricting.'
5 The board may, not more than once prior to November 15, 2010, decrease the number
6 of supervisors after the enactment of a supervisory district plan under par. (a). In
7 that case, the board shall redistrict, readjust, and change the boundaries of
8 supervisory districts, so that the number of districts equals the number of
9 supervisors, the districts are substantially equal in population according to the most
10 recent countywide federal census, the districts are in as compact a form as possible,
11 and the districts consist of contiguous municipalities or contiguous whole wards in
12 existence at the time at which the redistricting plan is adopted, except as authorized
13 in sub. (3) (b) 2. In the ~~redistricting~~ amended plan, the board shall adhere to the
14 requirements under sub. (3) (b) 2. with regard to contiguity and shall, to the extent
15 possible, place whole contiguous municipalities or contiguous parts of the same
16 municipality within the same district. In ~~redistricting under this subdivision~~ the
17 amended plan, the original numbers of the districts in their geographic outlines, to
18 the extent possible, shall be retained. The chairperson of the board shall file a
19 certified copy of any ~~redistricting~~ amended plan adopted under this subdivision with
20 the secretary of state.

21 2. 'Election; term.' Any ~~redistricting~~ amended plan enacted under subd. 1.
22 becomes effective on the first November 15 following its enactment, and first applies

1 to the spring election following the plan's effective date. Any ~~redistricting~~ amended
 2 plan enacted under subd. 1. shall remain in effect until the effective date of a
 3 redistricting plan subsequently enacted under par. (a). Supervisors elected from the
 4 districts created under subd. 1. shall serve for 4-year terms and shall take office on
 5 the 3rd Monday in April following their election.

NOTE: Confirms language affecting populous counties (Milwaukee) to language governing other counties and incorporates official census corrections in populations used to create supervisory districts if those corrections are reflected in underlying wards.

6 SECTION 14. 59.10 (3) (b) 1. of the statutes is amended to read:

7 59.10 (3) (b) 1. Within ~~60~~ 45 days after the population count by census block,
 8 established in the decennial federal census of population, and maps showing the
 9 location and numbering of census blocks become available in printed form from the
 10 federal government or are published for distribution by an agency of this state, but
 11 no later than July 1 following the year of each decennial census, each board shall
 12 propose a tentative county supervisory district plan setting forth the number of
 13 supervisory districts proposed by the board and tentative boundaries or a description
 14 of boundary requirements, hold a public hearing on the proposed plan and adopt a
 15 tentative plan. The proposed plan may be amended after the public hearing. The
 16 tentative plan shall divide the county into a number of districts equal to the number
 17 of supervisors, with each district substantially equal in population. The board shall
 18 solicit suggestions from municipalities concerning the development of an
 19 appropriate plan. ~~The board shall transmit to each municipal governing body in the~~
 20 ~~county the tentative plan that is adopted.~~ Except as authorized in this
 21 subdivision, each district shall consist of whole wards or municipalities. ~~Each~~
 22 ~~district shall be designated to be represented by one supervisor, and all districts shall~~
 23 ~~be substantially equal in population.~~ Territory within each supervisory district to

1 be created under the tentative plan shall be contiguous, except as authorized in subd.
 2 2. In the tentative plan, the board shall, whenever possible, place whole contiguous
 3 municipalities or contiguous parts of the same municipality within the same district.
 4 If the division of a municipality is sought by the board, the board shall provide with
 5 the plan a written statement to the municipality affected by each proposed division
 6 specifying the approximate location of the territory from which a ward is sought to
 7 be created for contiguity purposes and the approximate population of the ward
 8 proposed to effectuate the division. The tentative plan shall not include provision for
 9 division of any census block unless the block is bisected by a municipal boundary or
 10 unless a division is required to enable creation of supervisory districts that are
 11 substantially equal in population. The board shall transmit a copy of the tentative
 12 plan that is adopted to each municipal governing body in the county.

***NOTE: Applies to tentative supervisory district plans the same standard with respect to contiguity that applies to final supervisory district plans under s. 59.10 (3) (b) 2., stats. Permits division of census blocks only to coincide with a municipal boundary for purposes of election administration or if necessary to meet "one person-one vote" requirements consistently with proposed changes to s. 59.10 (2) (a), stats. Reorders material for more logical sequencing.

13 SECTION 15. 59.10 (3) (b) 2. of the statutes is amended to read:

14 59.10 (3) (b) 2. Within ~~60~~⁴⁵ days after every municipality in the county adjusts
 15 its wards under s. 5.15, the board shall hold a public hearing and shall then adopt
 16 a final supervisory district plan, numbering each district. Wards Territory within
 17 each supervisory district created by the plan shall be contiguous, except that one or
 18 more wards located within a city or village which is wholly surrounded by another
 19 city or water, or both, may be combined with one or more noncontiguous wards, or
 20 one or more wards ~~or portions of wards~~ consisting of island territory as defined in s.
 21 5.15 (2) (f) 3. may be combined with one or more noncontiguous wards ~~or portions of~~
 22 ~~wards~~ within the same municipality, to form a supervisory district. Except as

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~~required to reflect~~ a municipal ward division authorized or required under s. 5.15, and except as required under subd. 3., the final plan shall not be inconsistent with the tentative plan.

****NOTE: Makes explicit what is currently implicit, that a final county supervisory district plan may not be inconsistent with the tentative county supervisory district plan except as necessary to accommodate authorized municipal ward divisions or to accurately reflect census results, including census corrections.

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SECTION 16. 59.10 (3) (b) 3. of the statutes is created to read:

59.10 (3) (b) 3. The populations of supervisory districts under the tentative plan shall be determined on the basis of the federal decennial census and any official corrections to the census issued on or before the date that the tentative plan is adopted to reflect the correct population of the county and municipalities and blocks within the county on April 1 of the year of the census. The populations of supervisory districts under the final plan shall be determined on the basis of the federal decennial census and any official corrections to the census to reflect the correct populations of the county and the municipalities and blocks within the county on April 1 of the year of the census, if the corrections as they affect any municipality are issued prior to division of the municipality into wards under s. 5.15, or if a municipality is not divided into wards, prior to adoption of the final plan.

****NOTE: Provides that county supervisory district plans shall reflect the most recent census data that can feasibly be applied at the time that the plans are adopted. Current law does not expressly provide that the plans must reflect census results.

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SECTION 17. 59.10 (3) (b) 4. of the statutes is amended to read:

59.10 (3) (b) 4. The chairperson of the board shall file a certified copy of the final districting plan with the secretary of state. Unless otherwise ordered under sub. (6), a plan enacted and filed under this paragraph, together with any authorized amendment that is enacted and filed under this section, remains in effect until the

1 plan is superseded by a subsequent plan enacted under this subsection and a
2 certified copy of that plan is filed with the secretary of state.

****NOTE: Clarifies the period during which a final county supervisory district plan applies. Relocates material from s. 59.10 (3) (c), stats., for better placement.

3 **SECTION 18.** 59.10 (3) (c) of the statutes is renumbered 59.10 (3) (c) 1. and
4 amended to read:

5 59.10 (3) (c) 1. After the enactment of a plan of supervisory districts under par.
6 (b), the board may amend the plan to reflect a municipal incorporation, annexation,
7 detachment or consolidation may serve as a basis for altering between federal
8 decennial censuses the boundaries of supervisory districts, in the discretion of the
9 board. The number of supervisory districts in the county shall not be changed by any
10 action under this paragraph. Any plan of county supervisory districts enacted under
11 par. (b) may be amended under this paragraph but shall remain in effect as amended
12 until superseded by another plan enacted by the board under par. (b) and filed
13 subdivision.

14 4. The chairperson of the board shall file a certified copy of any amended plan
15 under this paragraph with the secretary of state.

****NOTE: Moves material to s. 59.10 (3) (b) 4., stats., for better placement and clarifies that the chairperson of the county board must file a certified copy of any amended supervisory district plan, as is done with the original plan.

16 **SECTION 19.** 59.10 (3) (c) 2. and 3. of the statutes are created to read:

17 59.10 (3) (c) 2. Within 45 days after enactment or adoption of a revised division
18 ordinance or resolution under s. 5.15 (4) (a), the board shall amend the county
19 supervisory district plan under par. (b) to reflect any renumbering of the wards
20 specified in the plan.

****NOTE: Requires updating of county supervisory district plans in accordance with authorized intradecade changes in municipal ward numbering.

1 3. The districts under the amended plan shall be substantially equal in
2 population according to the most recent countywide federal census and shall be in
3 as compact a form as possible. The board shall adhere to the requirements of par.
4 (b) 2. with regard to contiguity and shall, to the extent possible, place whole
5 contiguous municipalities or contiguous parts of the same municipality within the
6 same district. In the amended plan, the original numbers of the districts in their
7 geographic outlines, to the extent possible, shall be retained. An amended plan
8 becomes effective on the first November 15 following its enactment.

~~NOTE: Creates requirements for amended plans in counties other than Milwaukee and Menominee that parallel the requirements that apply in Milwaukee County under s. 59.10 (2) (d), stats., and the requirements that apply when a county decreases the number of its supervisors under s. 59.10 (3) (cm) 1. and 4, stats.~~

9 **SECTION 20.** 59.10 (3) (cm) 1. of the statutes is amended to read:

10 59.10 (3) (cm) 1. 'Number of supervisors; redistricting.' Except as provided in
11 subd. 3., following the enactment of a decennial supervisory district plan under par.
12 (b), the board may decrease the number of supervisors. In that case, the board shall
13 redistrict, readjust, and change the boundaries of supervisory districts, so that the
14 number of districts equals the number of supervisors, the districts are substantially
15 equal in population according to the most recent countywide federal census, the
16 districts are in as compact a form as possible, and the districts consist of contiguous
17 municipalities or contiguous whole wards in existence at the time at which the
18 redistricting plan is adopted, except as authorized in par. (b) 1. In the redistricting
19 plan, the board shall adhere to the requirements under par. (b) 2. with regard to
20 contiguity and shall, to the extent possible, place whole contiguous municipalities or
21 contiguous parts of the same municipality within the same district. In redistricting
22 under this subdivision, the original numbers of the districts in their geographic
23 outlines, to the extent possible, shall be retained. No plan may be enacted under this

1 subdivision during review of the sufficiency of a petition filed under subd. 2. nor after
 2 a referendum is scheduled on such a petition. However, if the electors of the county
 3 reject a change in the number of supervisory districts under subd. 2., the board may
 4 then take action under this subdivision except as provided in subd. 3. The county
 5 clerk shall file a certified copy of any redistricting plan enacted under this
 6 subdivision with the secretary of state.

***NOTE: Applies to intradecade supervisory district reduction plans the same standards of contiguity that apply under proposed s. 59.10 (3) (c) 3. to other intradecade supervisory district plans.

7 SECTION 21. 59.10 (6) of the statutes is amended to read:

8 59.10 (6) ENFORCEMENT OF DIVISION REQUIREMENT. If a county fails to comply
 9 with sub. (2) (a) or (3) (b), any municipality located in whole or in part within the
 10 county or any elector of the county may submit to the circuit court for the county
 11 within 14 days from the expiration of either ~~60 day~~ ^{45-day} period under sub. (2) (a) or (3)
 12 (b) a proposed tentative supervisory district plan or a final plan for creation of
 13 supervisory districts in compliance with this section. If the court finds that the
 14 existing division of the county into supervisory districts fails to comply with this
 15 section, it shall review the plan submitted by the petitioner and after reasonable
 16 notice to the county may promulgate the plan, or any other plan in compliance with
 17 this section, ~~as a temporary supervisory district~~ and the plan shall be in effect until
 18 superseded by a ~~districting~~ plan adopted by the board in compliance with this
 19 section.

***NOTE: Clarifies wording.

20 SECTION 22. 62.08 ⁴⁵(1) of the statutes is amended to read:

21 62.08 (1) Within ~~60~~ ⁴⁵ days after the wards have been readjusted under s. 5.15
 22 (1) and (2) the common council of every city, including any every 1st class city of the

1 first class, shall redistrict the boundaries of its aldermanic districts, by an ordinance
2 introduced at a regular meeting of the council, published as a class 2 notice, under
3 ch. 985, and thereafter adopted by a majority vote of all the members of the council,
4 so that all aldermanic districts are as compact in area as possible and contain, as
5 nearly as practicable by combining contiguous whole wards, an equal number of
6 inhabitants according to the most recent decennial federal census of population.
7 Territory within each aldermanic district to be created under the plan shall be
8 contiguous, except that territory within the city that is wholly surrounded by another
9 city or water, or both, may be combined with noncontiguous territory, or island
10 territory, as defined in s. 5.15 (2) (f) 3., may be combined with noncontiguous territory
11 within the same municipality to form an aldermanic district. The aldermanic district
12 plan shall not include provision for division of any census block unless the block is
13 bisected by a municipal boundary or the division is made as required under s. 5.15
14 (2) (c). The populations of the aldermanic districts shall be determined on the basis
15 of the federal decennial census and any official corrections to the census to reflect the
16 correct populations of the municipality and the blocks within the municipality on
17 April 1 of the year of the census, if the corrections are issued prior to division of the
18 municipality into wards under s. 5.15. Within 45 days after enactment or adoption
19 of a revised division ordinance or resolution under s. 5.15 (4) (a), the common council
20 shall amend the aldermanic district plan to reflect any renumbering of the wards
21 specified in the plan.

~~****NOTE: Provides the same exceptions to aldermanic district contiguity and block preservation requirements that apply to ward creation under s. 5.15 (1) (b) and (2) (c). Also provides that city aldermanic district plans shall reflect the most recent census data that can feasibly be applied at the time that the plans are adopted. (Current law does not expressly provide that the plans must reflect census results.) In addition, requires updating of city aldermanic district plans in accordance with authorized intradecade changes in municipal ward numbering.~~

1 SECTION 23. 62.08 (4m) of the statutes is amended to read:

2 62.08 (4m) If in a city that is solely contained within one county the aldermanic
3 districts are coterminous with the supervisory districts of the county and the county
4 board decreases the number of supervisors in the county after enactment of a
5 redistricting plan under s. 59.10 (3) (cm), the common council of the city may, by a
6 majority vote of all of the members of the council, no later than November 15
7 immediately preceding the expiration of the terms of office of members of the council,
8 decrease the number of aldermanic districts and the corresponding number of
9 members of the council in the city to maintain coterminous boundaries between the
10 aldermanic and supervisory districts and may change the expiration date of the term
11 of any council member to an earlier date than the date provided under the current
12 ordinance if required to implement the redistricting or to maintain classes of
13 members. Any amended aldermanic district plan that is adopted under this
14 subsection is subject to the same procedures and requirements that apply to
15 decennial plans adopted under sub. (1).

****NOTE: Makes an amended aldermanic district plan subject to the same passage and notice requirements as an original decennial plan. Also, requires all of the aldermanic districts contained in the plan to be as compact as possible and to contain, as nearly as practicable, by combining contiguous whole wards, an equal number of inhabitants according to the most recent federal decennial census of population, including any official corrections thereto, as required for an original decennial plan.

(END)

INS
18-15
16

INS X



2011 BILL

SAB

INS 1A

1 AN ACT *to amend* 5.15 (1) (b), 5.15 (1) (c), 5.15 (2) (d), 5.18, 59.10 (2) (a), 59.10
2 (3) (b) 1., 59.10 (3) (b) 2., 59.10 (6), 62.08 (1), 62.08 (5) and 119.08 (1) (b) of the
3 statutes; **relating to:** legislative review of municipal ward plans.

Subsec Local ward division and redistricting timeline
~~Analysis by the Legislative Reference Bureau~~

Currently, within 60 days after the decennial population count, by block, becomes available from the U.S. Bureau of the Census, but no later than July 1 of each year following the year of the census, each county board of supervisors must submit to each municipality having territory in the county a tentative supervisory district plan or a description of boundary requirements for such a plan. Within 60 days after the receipt of this information from the county board of each county in which a municipality is located, each municipality having a population of 1,000 or more must adopt or readjust wards in accordance with statutory population parameters. In enacting or adopting its plan, a municipality must make a good faith effort to reflect the county's requirements in enacting a supervisory district plan. Within 60 days after every municipality having territory within a county enacts or adopts a ward division plan, the county must enact a final supervisory district plan combining contiguous whole wards to form supervisory districts.

This bill shortens the maximum time specified for action at each of the above stages of the redistricting process to 45 days. The bill also provides that upon enactment or adoption of a municipal ward division plan, the clerk of a municipality must submit a certified copy of the plan to the appropriate standing committees of the legislature. If, within 45 days of the receipt of the plan, the legislature enacts

effective beginning with
↑ redistricting in response to
the 2020 federal decennial
census

BILL

4
JWS 9-2

1 SECTION 3. 5.15 (2) (d) of the statutes is amended to read:

2 5.15 (2) (d) Every municipality shall make a good faith effort to accommodate
3 the tentative plan submitted by the county or counties in which it is located under
4 s. 59.10 (2) (a) or (3) (b) 1., and shall divide itself into wards, consistently with any
5 adjustments made by law under sub. (1) (b), in such a manner that will permit the
6 creation of county supervisory districts in accordance with the population
7 requirements for the plan specified in s. 59.10 (2) (a) or (3) (b) 1.

8 SECTION 4. 5.18 of the statutes is amended to read:

9 5.18 Enforcement of division requirement. If any municipality fails to
10 comply with s. 5.15, the county in which the municipality is located or any elector of
11 the municipality may submit to the circuit court for any county in which the
12 municipality is located within 14 days from the expiration of the 60-day 45-day
13 period under s. 5.15 (1) (b) a proposed plan for the division of the municipality into
14 wards in compliance with this section. If the circuit court finds that the existing
15 division of the municipality into wards fails to comply with s. 5.15, it shall review the
16 plan submitted by the petitioner and after reasonable notice to the municipality may
17 promulgate the plan, or any other plan in compliance with s. 5.15, as a temporary

18 ward plan for the municipality ~~(to remain in effect)~~ until superseded by a ward plan
~~enacted or~~ adopted by the governing body in compliance with s. 5.15. ~~Upon promulgation of a~~
19 ~~temporary ward plan or enactment of any subsequent plan under s. 5.15, the clerk~~
20 ~~of the municipality shall submit a certified copy of the plan to the appropriate~~
21 ~~standing committees of the legislature under s. 5.15 (1) (b).~~

PLAIN

23 SECTION 5. 59.10 (2) (a) of the statutes is amended to read:

24 59.10 (2) (a) Composition; supervisory districts. Within 60 45 days after the
25 population count by block, established in the decennial federal census of population,

BILL

JMS 18-1511


1 or (3) (b) a proposed tentative or final plan for creation of supervisory districts in
2 compliance with this section. If the court finds that the existing division of the county
3 into supervisory districts fails to comply with this section, it shall review the plan
4 submitted by the petitioner and after reasonable notice to the county may
5 promulgate the plan, or any other plan in compliance with this section, as a
6 temporary supervisory district plan until superseded by a districting plan adopted
7 by the board in compliance with this section.

8 SECTION 9. 62.08 (1) of the statutes is amended to read:

9 62.08 (1) Within ~~60~~ 45 days after the ~~wards have been readjusted a ward~~
10 division ordinance or resolution under s. 5.15 (1) and (2) becomes effective in a city,
11 including a city of the first class, the common council of every the city, including any
12 city of the first class, shall redistrict the boundaries of its aldermanic districts, by an
13 ordinance introduced at a regular meeting of the council, published as a class 2
14 notice, under ch. 985, and thereafter adopted by a majority vote of all the members
15 of the council, so that all aldermanic districts are as compact in area as possible and
16 contain, as nearly as practicable by combining contiguous whole wards, an equal
17 number of inhabitants according to the most recent decennial federal census of
18 population.

19 SECTION 10. 62.08 (5) of the statutes is amended to read:

20 62.08 (5) If a city fails to comply with sub. (1), any elector of the city may submit
21 to the circuit court for any county in which the city is located within 14 days from the
22 expiration of the ~~60-day~~ 45-day period under sub. (1) a proposed plan for creation
23 of aldermanic districts in compliance with this section. If the court finds that the
24 existing division of the city into aldermanic districts fails to comply with this section,
25 it shall review the plan submitted by the petitioner and after reasonable notice to the



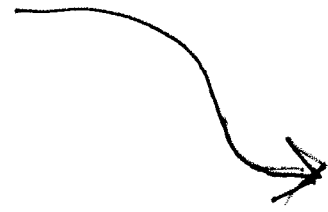
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1 city may promulgate the plan, or any other plan in compliance with this section, as
2 a temporary aldermanic district plan until superseded by a districting plan adopted
3 by the council in compliance with this section.

4 SECTION 11. 119.08 (1) (b) of the statutes is amended to read:

5 119.08 (1) (b) Within ~~60~~ 45 days after the common council of the city enacts an
6 ordinance ~~determining or adopts a resolution adjusting~~ the boundaries of ~~the~~
7 ~~aldermanic districts~~ wards in the city following the federal decennial census under
8 s. ~~62.08~~ 5.15 (1) and (2), the board shall, by vote of a majority of the membership of
9 the board, adopt an election district apportionment plan for the election of board
10 members which shall be effective until the city enacts a new ordinance under s. 62.08
11 (1) ~~redetermining the aldermanic district boundaries~~ adjusting the boundaries of its
12 wards under s. 5.15 (1) and (2).

13 (END)



2005

PN 18-15:3

LRB - 2296, 11

Nonstat File Sequence: **EEE**

JTK: _____

INITIAL APPLICABILITY

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the budget action phrase, execute: create → action: → *NS: → 93XX
 For the text, execute: create → text: → *NS: → inappl
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

SECTION # 93 **Initial applicability;**

(#1) W

The treatment of sections

5.15(1)(b) (with respect to the period for ward division),

5.18, 59, 10(2)(a), (3)(b), and 2, and (6)

~~62.08(1)~~ and (5) and 119.08 of the statutes (1)(b)

first applies with respect to ward division

and redistricting of supervisory and aldermanic districts in response to the 2020 federal decennial census.

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the text, execute: create → text: → *NS: → inappl
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

SECTION # _____ **Initial applicability;** (with respect to the period for aldermanic redistricting)

(#1) () This act first

applies to

(with respect to the periods for supervisory redistricting)

<use 4>

INS V

Selection of courts to hear appeals of recount determinations

Currently, when an appeal of a recount determination is filed in an election that is held in more than one judicial administrative district, the chief justice of the supreme court appoints the circuit judge to hear the appeal. This bill provides instead that the supreme court makes the appointment. Currently, when an appeal of a circuit court decision in a recount determination is filed with the court of appeals in an election, other than a statewide election, that is held in more than one court of appeals district, the chief justice of the supreme court designates one court of appeals district to hear the appeal. This bill provides instead that the supreme court makes the designation.

end INS V

X

SECTION 1. 9.01 (6) (b) of the statutes is amended to read:

9.01 (6) (b) If an appeal is filed from a recount determination in an election which is held in more than one judicial circuit, the chief judge of the judicial administrative district in which the election is held shall consolidate all appeals relating to that election and appoint a circuit judge, who shall be a reserve judge if available, to hear the appeal. If the election is held in more than one judicial administrative district, the ~~chief justice of the~~ supreme court shall make the appointment.

INS W

History: 1971 c. 251; 1971 c. 304 s. 29 (2); 1971 c. 336; 1973 c. 313; 1973 c. 334 ss. 23 to 26, 57; 1975 c. 41, 422; 1977 c. 394 s. 53; 1977 c. 427; 1979 c. 200; 1979 c. 260 ss. 66 to 68, 93; 1979 c. 311, 355; 1983 a. 183; 1983 a. 484 s. 172 (3); 1983 a. 538; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1993 a. 213; 1997 a. 27; 1999 a. 49, 182; 2001 a. 16; 2003 a. 265, 321; 2005 a. 149, 451; 2007 a. 1, 96.

X

SECTION 2. 9.01 (9) (b) of the statutes is amended to read:

9.01 (9) (b) If an appeal is filed in respect to an election which is held in more than one court of appeals district, the ~~chief justice of the~~ supreme court shall consolidate all appeals relating to that election and designate one district to hear the appeal, except that if an appeal is filed in respect to an election for statewide office



or a statewide referendum, the appeal shall be heard by the 4th district court of appeals.

end INS W

History: 1971 c. 251; 1971 c. 304 s. 29 (2); 1971 c. 336; 1973 c. 313; 1973 c. 334 ss. 23 to 26, 57; 1975 c. 41, 422; 1977 c. 394 s. 53; 1977 c. 427; 1979 c. 200; 1979 c. 260 ss. 66 to 68, 93; 1979 c. 311, 355; 1983 a. 183; 1983 a. 484 s. 172 (3); 1983 a. 538; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1993 a. 213; 1997 a. 27; 1999 a. 49, 182; 2001 a. 16; 2003 a. 265, 321; 2005 a. 149, 451; 2007 a. 1, 96.

INS X

← use autonumber

() The treatment of section 9.01 (6) (b) and (9) (b) of the statutes first applies with respect to appeals of recount determinations filed on the effective date of this subsection.

NON STAT
INIT APP

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2296/P1dn

JTKg:ll:...

JTKg *ll* *gjs*

— date

Senator Fitzgerald:

1. The redraft of 2009 LRB-0193/P3 incorporates some minor changes to reflect the language included in the redistricting bill drafts. *The draft also removes the definition of ward which is now located in the other drafts.*
2. In the current round of local redistricting, the LRB became aware of another issue, not dealt with in this draft, that should be addressed, involving a situation where there is a prison with a large population located in a county with a relatively small population. Because all of the prisoners are included in the county population for purposes of supervisory district apportionment but because almost none of them are qualified electors, the census block containing the prison may exceed the average population of supervisory districts in the county, making it impossible to apportion the districts with substantially equal population. The ward size limit under s. 5.15 (2) (a), stats. may also be exceeded in the ward in which the prison is located. In addition, we have can have a situation in which a mere handful of electors (less than 10) could elect a county supervisor. The problem is most acute at the Jackson and Oxford correctional institutions. At a minimum, it would seem to be necessary to permit counties to subdivide a census block containing a prison by some rational means, such as prison cell numbers, and to attach a subdivided block to any other block that is adjacent to the prison property to create a supervisory district.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2296/P1dn

JTK:cjs:rs

June 28, 2011

Senator Fitzgerald:

1. The redraft of 2009 LRB-0193/P3 incorporates some minor changes to reflect the language included in the redistricting bill drafts. The draft also removes the definition of "ward" which is now located in the other drafts.
2. In the current round of local redistricting, the LRB became aware of another issue, not dealt with in this draft, that should be addressed, involving a situation where there is a prison with a large population located in a county with a relatively small population. Because all of the prisoners are included in the county population for purposes of supervisory district apportionment but because almost none of them are qualified electors, the census block containing the prison may exceed the average population of supervisory districts in the county, making it impossible to apportion the districts with substantially equal population. The ward size limit under s. 5.15 (2) (a), stats., may also be exceeded in the ward in which the prison is located. In addition, we have can have a situation in which a mere handful of electors (less than 10) could elect a county supervisor. The problem is most acute at the Jackson and Oxford correctional institutions. At a minimum, it would seem to be necessary to permit counties to subdivide a census block containing a prison by some rational means, such as prison cell numbers, and to attach a subdivided block to any other block that is adjacent to the prison property to create a supervisory district.

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