



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2296/Pr

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TODAY

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

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(regenerate)

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) and (f) (intro.), 5.15 (2) (g), 5.15~~
 3 ~~(4), 5.15 (7), 5.18, 9.01 (6) (b), 9.01 (9) (b), 59.10 (2) (a), 59.10 (2) (d), 59.10 (3)~~
 4 ~~(b) 1., 59.10 (3) (b) 2., 59.10 (3) (b) 4., 59.10 (3) (cm) 1., 59.10 (6), 62.08 (1), 62.08~~
 5 ~~(4m), 62.08 (5) and 119.08 (1) (b); and to create 5.15 (2) (b) (intro.), 59.10 (3) (b)~~
 6 ~~3. and 59.10 (3) (c) 2. and 3. of the statutes; relating to: division of~~
 7 municipalities into wards and redistricting of supervisory and aldermanic
 8 districts and ~~selection of courts to hear appeals of recount determinations.~~

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Analysis by the Legislative Reference Bureau

Local ward division and redistricting timeline

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, effective beginning with ward divisions and redistricting in response to the 2020 federal decennial census.

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 subdivide or adjust the boundaries of a municipal ward and use the revised ward boundaries to create a legislative or congressional district.

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.

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.

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

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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.

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

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

2 5.15 (1) (a) 1. Every city, village, and town in this state shall by ordinance or
3 resolution of its common council or village or town board, respectively, be divided into
4 wards as provided in this section, except as authorized in sub. (2). The boundaries
5 of the wards established under this section, and the number assigned to each ward,
6 are intended to be as permanent as possible, and to this end each ward shall when
7 created contain a population at a convenient point within the applicable population
8 range under sub. (2) (b), with due consideration for the known trends of population
9 increase or decrease within that part of the municipality in which the ward is located.

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

18 **SECTION 2.** 5.15 (1) (b) of the statutes is amended to read:

1 5.15 (1) (b) Except as authorized in sub. (2) (a), within ~~60~~ 45 days after the
2 receipt of a tentative supervisory district plan and written statement, if any, from the
3 county board of each county in which a municipality is located, the governing body
4 of the municipality shall adjust its wards according to the schedule shown in sub. (2).
5 All territory contained within the municipality, and only the territory so contained,
6 on ~~August 1 following~~ April 1 of the year of the federal decennial census shall be
7 contained within a ward established under the division ordinance or resolution.
8 Except as authorized in sub. (2), each ward shall consist of whole blocks, as utilized
9 by the U.S. bureau of the census in the most recent federal decennial census. To suit
10 the convenience of the voters residing therein each ward shall, as far as practicable,
11 be kept compact and observe the community of interest of existing neighborhoods
12 and other settlements. All territory within a ward shall be contiguous, except for
13 island territory as defined in sub. (2) (f) 3. Enactment or adoption of a division
14 ordinance or resolution requires the affirmative vote of a majority of the members
15 of the governing body.

16 **SECTION 3.** 5.15 (1) (c) of the statutes is amended to read:

17 5.15 (1) (c) The wards established by municipal governing bodies in a division
18 ordinance or resolution enacted or adopted under this section ~~on the basis of the~~
19 ~~published results of each federal decennial census of population~~ shall govern the
20 adjustment of supervisory districts under s. 59.10 (2) (a) and (3) (b) and of aldermanic
21 districts under s. 62.08 (1) for the purpose of local elections beginning on January 1
22 of the 2nd year commencing after the year of the census until revised under this
23 section on the basis of the results of the next decennial census of population unless
24 adjusted under sub. (2) (f) 4., (6) (a) or (7), or unless ~~adjusted, as a matter of statewide~~
25 ~~concern, in the enactment of a division is required to effect an act of the legislature~~

1 redistricting legislative districts under article IV, section 3, of the constitution on the
 2 basis of the most recent decennial census of population or redistricting congressional
 3 districts. The populations of wards under each decennial ward division shall be
 4 determined on the basis of the federal decennial census and any official corrections
 5 to the census issued on or before the date of adoption of the division ordinance or
 6 resolution to reflect the correct populations of the municipality and the blocks within
 7 the municipality on April 1 of the year of the census. ✓

8 **SECTION 4.** 5.15 (2) (b) (intro.) of the statutes is created to read:

9 5.15 (2) (b) (intro.) Except for wards created to effect an act of the legislature
 10 redistricting legislative districts under article IV, section 3, of the constitution or
 11 redistricting congressional districts and except as authorized under pars. (bm), (c),
 12 (e), and (f) and sub. (7), wards shall contain the following numbers of inhabitants:

13 **SECTION 5.** 5.15 (2) (bm) of the statutes is amended to read:

14 5.15 (2) (bm) Every city electing the members of its common council from
 15 aldermanic districts shall assemble the blocks wholly or partially contained within
 16 the city into wards that will enable the creation of aldermanic districts that are
 17 substantially equal in population. If a block is partly contained within the city, the
 18 city shall divide the block to form a ward containing the portion of the block that lies
 19 within the city.

20 **SECTION 6.** 5.15 (2) (e) and (f) (intro.) of the statutes are amended to read:

21 5.15 (2) (e) ~~Notwithstanding par. (b), if~~ April 1 of the year of the federal decennial census
 22 village or town after ~~enactment or~~ adoption of a decennial ward plan, and the
 23 remaining portion of the ward to which it was attached falls below the prescribed
 24 minimum population for the applicable range, the remaining portion of the
 25 population may be constituted a ward by itself.

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

5 **SECTION 7.** 5.15 (2) (g) of the statutes is amended to read:

6 5.15 (2) (g) If a block is affected by an annexation or detachment which
7 establishes a municipal boundary that subdivides the block, the municipalities in
8 which the block is contained shall incorporate only the portion of the block contained
9 within their boundaries in their ~~ward plans~~ division ordinances or resolutions.

10 **SECTION 8.** 5.15 (4) of the statutes is amended to read:

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

1 required to effect the act. The amended ordinance or resolution shall designate the
2 polling place for any ward that is created to effect the legislative act.

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

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

13 5.15 (7) If a new town is created or if part of a town is annexed to a city or village
14 during a decennial period after ~~the period for ward adjustments under sub. (1) (b)~~ April 1 of the year of the federal decennial
15 the town board of any town to which territory is attached or from which territory is census
16 detached, without regard to the time provisions of sub. (1) (b), may, by ordinance or
17 resolution, create new wards or adjust the existing wards in that town, but no to the
18 extent required to reflect the change. If a municipality is consolidated with another April 1 of the year of the federal
19 municipality during a decennial period after ~~the period for ward adjustments under~~ decennial
20 ~~sub. (1) (b)~~ the governing body of the consolidated municipality, without regard to census
21 the time provisions under sub. (1) (b), may, by ordinance or resolution, create new
22 wards or adjust the existing wards of the municipality to the extent required to
23 reflect the change. No ward line adjustment under this subsection may cross the
24 boundary of an assembly or supervisory district a congressional. The ~~town~~ municipal clerk shall
25 transmit copies of the ordinance or resolution making the adjustment in compliance
with sub. (4) (b).

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1 **SECTION 10.** 5.18 of the statutes is amended to read:

2 **5.18 Enforcement of division requirement.** If any municipality fails to
3 comply with s. 5.15, the county in which the municipality is located or any elector of
4 the municipality may submit to the circuit court for any county in which the
5 municipality is located within 14 days from the expiration of the ~~60-day~~ 45-day
6 period under s. 5.15 (1) (b) a proposed plan for the division of the municipality into
7 wards in compliance with this section. If the circuit court finds that the existing
8 division of the municipality into wards fails to comply with s. 5.15, it shall review the
9 plan submitted by the petitioner and after reasonable notice to the municipality may
10 promulgate the plan, or any other plan in compliance with s. 5.15, as a temporary
11 ward plan for the municipality to remain in effect until superseded by a ward plan
12 enacted or adopted by the governing body in compliance with s. 5.15.

13 ~~**SECTION 11.** 9.01 (6) (b) of the statutes is amended to read:~~

14 ~~9.01 (6) (b) If an appeal is filed from a recount determination in an election~~
15 ~~which is held in more than one judicial circuit, the chief judge of the judicial~~
16 ~~administrative district in which the election is held shall consolidate all appeals~~
17 ~~relating to that election and appoint a circuit judge, who shall be a reserve judge if~~
18 ~~available, to hear the appeal. If the election is held in more than one judicial~~
19 ~~administrative district, the chief justice of the supreme court shall make the~~
20 ~~appointment.~~

21 ~~**SECTION 12.** 9.01 (9) (b) of the statutes is amended to read:~~

22 ~~9.01 (9) (b) If an appeal is filed in respect to an election which is held in more~~
23 ~~than one court of appeals district, the chief justice of the supreme court shall~~
24 ~~consolidate all appeals relating to that election and designate one district to hear the~~
25 ~~appeal, except that if an appeal is filed in respect to an election for statewide office~~

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

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

4 59.10 (2) (a) *Composition; supervisory districts.* Within ~~60~~ 45 days after the
5 population count by census block, established in the decennial federal census of
6 population, and maps showing the location and numbering of census blocks become
7 available in printed form from the federal government or are published for
8 distribution by an agency of this state, but no later than July 1 following the year of
9 each decennial census, the board shall adopt and transmit to the governing body of
10 each city and village wholly or partially contained within the county a tentative
11 county supervisory district plan to be considered by the cities and villages when
12 dividing into wards. The tentative plan shall specify the number of supervisors to
13 be elected and shall divide the county into a number of districts equal to the number
14 of supervisors, with each district substantially equal in population and consisting of
15 contiguous whole wards or municipalities, except as authorized in sub. (3) (b) 2.
16 Except as otherwise provided in this paragraph, the board shall develop and adopt
17 the tentative plan in accordance with sub. (3) (b) 1. The tentative plan shall not
18 include provision for division of any census block, as utilized by the U.S. bureau of
19 the census in the most recent federal decennial census, unless the block is bisected
20 by a municipal boundary or unless a division is required to enable creation of
21 supervisory districts that are substantially equal in population. The board shall
22 adopt a final plan by enacting an ordinance in accordance with sub. (3) (b) 2. to 4.
23 Changes to the final plan shall be governed by par. (d) and sub. (3) (c).

24 SECTION 14. 59.10 (2) (d) of the statutes is amended to read:

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

18 2. 'Election; term.' Any ~~redistricting~~ amended plan enacted under subd. 1.
19 becomes effective on the first November 15 following its enactment, and first applies
20 to the spring election following the plan's effective date. Any ~~redistricting~~ amended
21 plan enacted under subd. 1. shall remain in effect until the effective date of a
22 redistricting plan subsequently enacted under par. (a). Supervisors elected from the
23 districts created under subd. 1. shall serve for 4-year terms and shall take office on
24 the 3rd Monday in April following their election.

25 **SECTION 15.** 59.10 (3) (b) 1. of the statutes is amended to read:

1 59.10 (3) (b) 1. Within ~~60~~ 45 days after the population count by census block,
2 established in the decennial federal census of population, and maps showing the
3 location and numbering of census blocks become available in printed form from the
4 federal government or are published for distribution by an agency of this state, but
5 no later than July 1 following the year of each decennial census, each board shall
6 propose a tentative county supervisory district plan setting forth the number of
7 supervisory districts proposed by the board and tentative boundaries or a description
8 of boundary requirements, hold a public hearing on the proposed plan and adopt a
9 tentative plan. The proposed plan may be amended after the public hearing. The
10 tentative plan shall divide the county into a number of districts equal to the number
11 of supervisors, with each district substantially equal in population. The board shall
12 solicit suggestions from municipalities concerning the development of an
13 appropriate plan. ~~The board shall transmit to each municipal governing body in the~~
14 ~~county the tentative plan that is adopted. Each~~ Except as authorized in this
15 subdivision, each district shall consist of whole wards or municipalities. ~~Each~~
16 ~~district shall be designated to be represented by one supervisor, and all districts shall~~
17 ~~be substantially equal in population.~~ Territory within each supervisory district to
18 be created under the tentative plan shall be contiguous, except as authorized in subd.
19 2. In the tentative plan, the board shall, whenever possible, place whole contiguous
20 municipalities or contiguous parts of the same municipality within the same district.
21 If the division of a municipality is sought by the board, the board shall provide with
22 the plan a written statement to the municipality affected by each proposed division
23 specifying the approximate location of the territory from which a ward is sought to
24 be created for contiguity purposes and the approximate population of the ward
25 proposed to effectuate the division. The tentative plan shall not include provision for

1 division of any census block unless the block is bisected by a municipal boundary or
2 unless a division is required to enable creation of supervisory districts that are
3 substantially equal in population. The board shall transmit a copy of the tentative
4 plan that is adopted to each municipal governing body in the county.

5 **SECTION 16.** 59.10 (3) (b) 2. of the statutes is amended to read:

6 59.10 (3) (b) 2. Within ~~60~~ 45 days after every municipality in the county adjusts
7 its wards under s. 5.15, the board shall hold a public hearing and shall then adopt
8 a final supervisory district plan, numbering each district. ~~Wards Territory~~ within
9 each supervisory district created by the plan shall be contiguous, except that one or
10 more wards located within a city or village which is wholly surrounded by another
11 city or water, or both, may be combined with one or more noncontiguous wards, or
12 one or more wards ~~or portions of wards~~ consisting of island territory as defined in s.
13 5.15 (2) (f) 3. may be combined with one or more noncontiguous wards ~~or portions of~~
14 ~~wards~~ within the same municipality, to form a supervisory district. Except as
15 required to reflect a municipal ward division authorized or required under s. 5.15,
16 and except as required under subd. 3., the final plan shall not be inconsistent with
17 the tentative plan.

18 **SECTION 17.** 59.10 (3) (b) 3. of the statutes is created to read:

19 59.10 (3) (b) 3. The populations of supervisory districts under the tentative
20 plan shall be determined on the basis of the federal decennial census and any official
21 corrections to the census issued on or before the date that the tentative plan is
22 adopted to reflect the correct population of the county and municipalities and blocks
23 within the county on April 1 of the year of the census. The populations of supervisory
24 districts under the final plan shall be determined on the basis of the federal decennial
25 census and any official corrections to the census to reflect the correct populations of

1 the county and the municipalities and blocks within the county on April 1 of the year
2 of the census, if the corrections as they affect any municipality are issued prior to
3 division of the municipality into wards under s. 5.15, or if a municipality is not
4 divided into wards, prior to adoption of the final plan.

5 **SECTION 18.** 59.10 (3) (b) 4. of the statutes is amended to read:

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

12 **SECTION 19.** 59.10 (3) (c) of the statutes is renumbered 59.10 (3) (c) 1. and
13 amended to read:

14 59.10 (3) (c) 1. After the enactment of a plan of supervisory districts under par.
15 (b), the board may amend the plan to reflect a municipal incorporation, annexation,
16 detachment or consolidation ~~may serve as a basis for altering between federal~~
17 ~~decennial censuses the boundaries of supervisory districts, in the discretion of the~~
18 board. The number of supervisory districts in the county shall not be changed by any
19 action under this paragraph. ~~Any plan of county supervisory districts enacted under~~
20 ~~par. (b) may be amended under this paragraph but shall remain in effect as amended~~
21 ~~until superseded by another plan enacted by the board under par. (b) and filed~~
22 subdivision.

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

25 **SECTION 20.** 59.10 (3) (c) 2. and 3. of the statutes are created to read:

1 59.10 (3) (c) 2. Within 45 days after enactment or adoption of a revised division
2 ordinance or resolution under s. 5.15 (4) (a), the board shall amend the county
3 supervisory district plan under par. (b) to reflect any renumbering of the wards
4 specified in the plan.

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

13 **SECTION 21.** 59.10 (3) (cm) 1. of the statutes is amended to read:

14 59.10 (3) (cm) 1. 'Number of supervisors; redistricting.' Except as provided in
15 subd. 3., following the enactment of a decennial supervisory district plan under par.
16 (b), the board may decrease the number of supervisors. In that case, the board shall
17 redistrict, readjust, and change the boundaries of supervisory districts, so that the
18 number of districts equals the number of supervisors, the districts are substantially
19 equal in population according to the most recent countywide federal census, the
20 districts are in as compact a form as possible, and the districts consist of contiguous
21 municipalities or contiguous whole wards in existence at the time at which the
22 redistricting plan is adopted, except as authorized in par. (b) 1. In the redistricting
23 plan, the board shall adhere to the requirements under par. (b) 2. with regard to
24 contiguity and shall, to the extent possible, place whole contiguous municipalities or
25 contiguous parts of the same municipality within the same district. In redistricting

1 under this subdivision, the original numbers of the districts in their geographic
2 outlines, to the extent possible, shall be retained. No plan may be enacted under this
3 subdivision during review of the sufficiency of a petition filed under subd. 2. nor after
4 a referendum is scheduled on such a petition. However, if the electors of the county
5 reject a change in the number of supervisory districts under subd. 2., the board may
6 then take action under this subdivision except as provided in subd. 3. The county
7 clerk shall file a certified copy of any redistricting plan enacted under this
8 subdivision with the secretary of state.

9 **SECTION 22.** 59.10 (6) of the statutes is amended to read:

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

22 **SECTION 23.** 62.08 (1) of the statutes is amended to read:

23 62.08 (1) Within ~~60~~ 45 days after the wards have been readjusted under s. 5.15
24 (1) and (2) the common council of every city, including any every 1st class city of the
25 ~~first class~~, shall redistrict the boundaries of its aldermanic districts, by an ordinance

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

Fr 5
21 **SECTION 24.** 62.08 (4m) of the statutes is amended to read:
17-20

22 62.08 (4m) If in a city that is solely contained within one county the aldermanic
23 districts are coterminous with the supervisory districts of the county and the county
24 board decreases the number of supervisors in the county after enactment of a
25 redistricting plan under s. 59.10 (3) (cm), the common council of the city may, by a

1 majority vote of all of the members of the council, no later than November 15
2 immediately preceding the expiration of the terms of office of members of the council,
3 decrease the number of aldermanic districts and the corresponding number of
4 members of the council in the city to maintain coterminous boundaries between the
5 aldermanic and supervisory districts and may change the expiration date of the term
6 of any council member to an earlier date than the date provided under the current
7 ordinance if required to implement the redistricting or to maintain classes of
8 members. Any amended aldermanic district plan that is adopted under this
9 subsection is subject to the same procedures and requirements that apply to
10 decennial plans adopted under sub. (1).

11 **SECTION 25.** 62.08 (5) of the statutes is amended to read:

12 62.08 (5) If a city fails to comply with sub. (1), any elector of the city may submit
13 to the circuit court for any county in which the city is located within 14 days from the
14 expiration of the ~~60-day~~ 45-day period under sub. (1) a proposed plan for creation
15 of aldermanic districts in compliance with this section. If the court finds that the
16 existing division of the city into aldermanic districts fails to comply with this section,
17 it shall review the plan submitted by the petitioner and after reasonable notice to the
18 city may promulgate the plan, or any other plan in compliance with this section, as
19 a temporary aldermanic district plan until superseded by a districting plan adopted
20 by the council in compliance with this section.

21 **SECTION 26.** 119.08 (1) (b) of the statutes is amended to read:

22 119.08 (1) (b) Within ~~60~~ 45 days after the common council of the city enacts an
23 ordinance ~~determining or adopts a resolution adjusting~~ the boundaries of the
24 aldermanic districts wards in the city following the federal decennial census under
25 s. ~~62.08 5.15~~ (1) and (2), the board shall, by vote of a majority of the membership of

1 the board, adopt an election district apportionment plan for the election of board
2 members which shall be effective until the city enacts a new ordinance under s. 62.08
3 (1) ~~redetermining the aldermanic district boundaries~~ adjusting the boundaries of its
4 wards under s. 5.15 (1) and (2).

INS 54
19-4

SECTION 27. Initial applicability.

6 (1) The treatment of sections 5.15 (1) (b) (with respect to the period for ward
7 division), 5.18, 59.10 (2) (a) (with respect to the periods for supervisory redistricting),
8 (3) (b) 1. (with respect to the periods for supervisory redistricting) and 2. (with
9 respect to the periods for supervisory redistricting), and (6) (with respect to the
10 periods for supervisory redistricting), 62.08 (1) (with respect to the period for
11 aldermanic redistricting) and (5) (with respect to the period for aldermanic
12 redistricting), and 119.08 (1) (b) of the statutes first applies with respect to ward
13 division and redistricting of supervisory and aldermanic districts in response to the
14 2020 federal decennial census.

INS
19-14

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

(END)

d-note

BILL

- 2 -
INS 1A

proposed under the bill, the numeric amount and the percentage by which the districts with the smallest and largest populations deviate from the ideal population for the same type of district. The population figures contained in the table are derived from the results of the federal decennial census

	<u>District</u>	<u>Population</u>	<u>Deviation</u>	<u>Pct. Dev.</u>
Smallest:	Assembly District 1	57,220	-224	-0.39
Largest:	Assembly District 45	57,658	214	0.37
Smallest:	Senate District 18	171,722	-611	-0.35
Largest:	Senate District 30	172,798	466	0.27

Subsub

Adjustment of municipal wards to accommodate redistricting plans

The bill requires municipal ward plans, and the aldermanic and supervisory districts upon which they are based, to reflect municipal boundaries on April 1 of the year of each federal decennial census. Currently, ward plans must reflect municipal boundaries on August 1 of the year following the year of the federal decennial census. The change applies retroactively to ward plans and aldermanic and supervisory districts created in response to the 2010 federal decennial census.

The bill also amends the laws governing municipal ward division to ensure that if municipal wards do not accommodate a legislative redistricting act on its date of enactment, the affected municipalities must change their wards so that their ward divisions enable the election of members of the legislature under the redistricting act. Currently, the laws only partially accommodate this process.

Congressional or of Congress and members

In addition, the bill requires the legislative reference bureau, in enrolling any redistricting plan that has passed both houses of the legislature, to attach an updated appendix that includes all of the following: the population statistics for the legislative districts created under the bill; a statewide map of the legislative districts created under the bill; a map of the legislative districts created under the bill that are in Milwaukee County; and, with certain exceptions, a detail map illustrating the division of any city, village, or town among two or more legislative districts.

For further information, see the appendix printed at the end of this bill. The appendix was prepared by the legislative reference bureau and contains the following information: population statistics for the 33 senate districts and the 99 assembly districts, a statewide map of senate districts, a statewide map of assembly districts (displayed over two pages), a map of Milwaukee County showing the assembly district boundaries in that county, and a map of Dane County showing the assembly district boundaries in that county. The population data contained in the appendix is derived from the federal decennial census.

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

1

SECTION 1. 4.001 (1) of the statutes is renumbered 4.001 and amended to read:

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2296/lins
JTK.....

INS 7-4:

SECTION 1. 5.15 (2) (f) 4. of the statutes is amended to read:

5.15 (2) (f) 4. New territory which becomes a part of a city, village or town after ~~the adoption of a decennial ward plan~~ April 1 of the year of the federal decennial census.

History: 1971 c. 304 ss. 3 to 5, 29 (2); 1977 c. 26, 418, 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. 5, 143, 315; 1993 a. 213; 1995 a. 201; 1999 a. 182; 2005 a. 149, 312.

INS 17-20:

SECTION 2. 62.08 (2) of the statutes is amended to read:

62.08 (2) If territory becomes a part of any city after ~~adoption of the ordinance~~ under sub. (1) April 1 of the year of the federal decennial census, the limitations of s. 5.15 relating to population or area do not apply to the creation of new wards in the attached territory, or to the addition of the territory to an existing ward, but no ward line adjustment may cross the boundary of ~~an~~ a congressional, assembly, or supervisory district.

History: 1971 c. 304, 336; 1973 c. 12; 1979 c. 260; 1981 c. 4; 1985 a. 304; 1991 a. 316; 2005 a. 100.

BILL

INS 8-10

1 required to effect the act. The amended ordinance or resolution shall designate the
2 polling place for any ward that is created to effect the legislative act.

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

11 SECTION 9. 5.15 (6) (a) ~~and (v)~~ ^{*e*} of the statutes ~~are~~ ^{*is*} amended to read:

12 5.15 (6) (a) Following any municipality-wide special federal census of
13 population, the governing body of the municipality in which the special census was
14 held may, by ordinance or resolution, adjust the ward boundaries, but no ward line
15 adjustment may cross the boundary of ~~an~~ ^{*a congressional*} ~~assembly or congressional~~ district. The
16 municipal clerk shall transmit copies of the ordinance or resolution in compliance
17 with sub. (4) (b). *or supervisory*

18 ~~(7) If a new town is created or if part of a town is annexed to a city or village~~
19 ~~during a decennial period after the period for ward adjustments under sub. (1) (b),~~
20 ~~the town board of any town to which territory is attached or from which territory is~~
21 ~~detached, without regard to the time provisions of sub. (1) (b), may, by ordinance or~~
22 ~~resolution, adjust the wards in that town, but no ward line adjustment may cross the~~
23 ~~boundary of an assembly or congressional district. The town clerk shall transmit~~
24 ~~copies of the ordinance or resolution making the adjustment in compliance with sub.~~
25 (4) (b).

BILL

INS 19-14

(with respect to territory included within wards)

1 (3) The treatment of section 5.15 (1) (b) of the statutes first applies retroactively
2 to wards adjusted in response to the 2010 federal decennial census of population.

3

(END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2291/P1
PJH:kjf:rs

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

INC
1-7

JWS
3 A

~~1 AN ACT to create 751.035 and 801.50 (4m) of the statutes, relating to:
2 appointing a panel to hear challenges to the apportionment of a congressional
3 or legislative district, and hearing certain appeals.~~

(Sub sub) = Challenges to apportionment of congressional and legislative districts; hearing of appeals
~~Analysis by the Legislative Reference Bureau~~
This bill requires the supreme court to assign a three-judge panel to hear any matter that seeks to challenge the apportionment of a congressional or legislative district. Under the bill, the supreme court must choose a judge from each of three circuits and designate one circuit as having venue for purposes of hearings and filing documents.

Under the bill, no party may seek to substitute any of the assigned judges and any appeal of the panel's decisions are to be heard directly by the supreme court.

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

SECTION 1. 751.035 of the statutes is created to read:

INC
19-4
6

751.035 Assignment to a judicial panel; appeals. (1) Upon receiving notice under s. 801.50 (4m), the supreme court shall appoint a panel consisting of 3 circuit court judges to hear the matter. The supreme court shall choose one judge



from each of 3 circuits and shall assign one of the circuits as the venue for all hearings and filings in the matter.

(2) Notwithstanding s. 801.58, no party may move for substitution of any circuit court judge assigned under this section.

(3) An appeal from any order or decision issued by the panel assigned pursuant to sub. (1) shall be heard by the supreme court and may not be heard by a court of appeals for any district.

SECTION 2. 801.50 (4m) of the statutes is created to read:

801.50 (4m) Venue of an action to challenge the apportionment of any congressional or state legislative district shall be as provided in s. 751.035. Not more than 5 days after an action to challenge the apportionment of a congressional or state legislative district is filed, the clerk of courts for the county where the action is filed shall notify the clerk of the supreme court of the filing.

(END)

JJS
19-34
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

2296
LRB-201/PJda e 1 dn
PJH:Grs
q
cjs

June 27, 2011

date

Senator Fitzgerald,

Please review this draft to ensure that it is consistent with your intent. I have made this a preliminary draft; if it meets your approval I can have it changed to introducible form, or I can have it incorporated into a larger draft that covers other topics.

Please be aware that this draft requires the supreme court to take certain actions. This may be in violation of the separation of powers doctrine, and may be rejected by the supreme court on those grounds. Please let me know if you would like to discuss this point further.

If you have any changes or would like to discuss this draft, please contact me.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.wisconsin.gov

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

LRB-2296/1dn
PJH:cjs:md

July 1, 2011

Senator Fitzgerald,

Please be aware that this draft requires the supreme court to take certain actions. This may be in violation of the separation of powers doctrine, and may be rejected by the supreme court on those grounds. Please let me know if you would like to discuss this point further.

If you have any changes or would like to discuss this draft, please contact me.

Peggy Hurley
Legislative Attorney
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Barman, Mike

From: Miller, Steve
Sent: Tuesday, July 05, 2011 2:29 PM
To: Barman, Mike
Subject: Please jacketfor Sen. Fitzgerald

~~2261~~ → 2266

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