

2011 DRAFTING REQUEST

Senate Amendment (SA-SB150)

Received: 07/12/2011

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Jon Erpenbach (608) 266-6670

By/Representing:

May Contact:

Drafter: phurley

Subject: Courts - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Erpenbach@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Court challenges to redistricting

Instructions:

remove all references to court challenges

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	phurley 07/12/2011	csicilia 07/12/2011	rschluet 07/12/2011	_____	sbasford 07/12/2011	sbasford 07/12/2011	

FE Sent For:

<END>

2011 DRAFTING REQUEST

Senate Amendment (SA-SB150)

Received: 07/12/2011

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Jon Erpenbach (608) 266-6670

By/Representing:

May Contact:

Drafter: phurley

Subject: Courts - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Erpenbach@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Court challenges to redistricting

Instructions:

remove all references to court challenges

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/1

phurley

1. gjs 7/12/11
1/2/11

FE Sent For:

<END>

Hurley, Peggy

From: Kuesel, Jeffery
Sent: Tuesday, July 12, 2011 1:23 PM
To: Hurley, Peggy
Subject: FW: Erpenbach amendments requested

Peggy,

Could you do the amendment described in the 2nd paragraph? Thanks.

Jeff

From: Laundrie, Julie
Sent: Tuesday, July 12, 2011 1:02 PM
To: Kuesel, Jeffery
Cc: Browne, Michael; Tuschen, Terry; Laundrie, Julie
Subject: Erpenbach amendments requested

Jeff,

Senator Erpenbach will have some amendments to the redistricting bills for committee (I hear Friday executive session). In order to meet the deadlines set arbitrarily by the committee chair (as is his prerogative) we will need to receive amendments back for introduction/share 24 hours before the scheduled executive session. While there is no scheduled executive session I believe it is safe to assume it will be at 10am on Friday – therefore Thursday 10am being our set deadline for amendments. I know... too much information but I wanted to give you some timelines. I will make every effort to get instructions for amendments to you as soon as possible, I do not anticipate any substitute amendment work to be included in these requests for committee – simple deletions. Because of time restrictions the requests will trickle in rather than be as a package.

SB 150 – delete all references to court challenges, jurisdiction, and limits on how a legislative redistricting plan can be challenged in court. Additionally remove the requirement that the WI Supreme Court must take actions. Senator Erpenbach believes that congressional redistricting plans as the resulting legislative redistricting plans have the constitutional right to be argued in a variety of courts – that is the intent of the amendment request (let me know if questions)

SB 150 – separate amendment remove all deletions of the term “ward” in statues and restore all language removed in this bill that would take away the right of local municipalities to draw their boundaries FIRST – also put the timelines back to 60,60,60 days

We will start with that.

Call if you need to,

julie

Julie Laundrie
Office of Senator Jon Erpenbach
608-266-6670 106 South
media contact cell 608-772-0110



2011 SENATE BILL 150

July 11, 2011 - Introduced by COMMITTEE ON SENATE ORGANIZATION. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

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) (f) 4.,
3 5.15 (2) (g), 5.15 (4), 5.15 (6) (a), 5.15 (7), 5.18, 59.10 (2) (a), 59.10 (2) (d), 59.10
4 (3) (b) 1., 59.10 (3) (b) 2., 59.10 (3) (b) 4., 59.10 (3) (cm) 1., 59.10 (6), 62.08 (1),
5 62.08 (2), 62.08 (4m), 62.08 (5) and 119.08 (1) (b); and **to create** 5.15 (2) (b)
6 (intro.), 59.10 (3) (b) 3., 59.10 (3) (c) 2. and 3., 751.035 and 801.50 (4m) of the
7 statutes; **relating to:** division of municipalities into wards and redistricting of
8 supervisory and aldermanic districts and appointing a panel to hear challenges
9 to the apportionment of a congressional or legislative district, and hearing
10 certain appeals.

Analysis by the Legislative Reference Bureau

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.

SENATE BILL 150

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 congressional or 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 congress and members of the legislature under the redistricting act. Currently, the laws only partially accommodate this process.

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.

SENATE BILL 150

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.

SENATE BILL 150***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.

Challenges to apportionment of congressional and legislative districts; hearing of appeals

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.

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.

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.

SENATE BILL 150

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

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

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

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

SENATE BILL 150**SECTION 3**

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

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

18 5.15 (2) (b) (intro.) Except for wards created to effect an act of the legislature
19 redistricting legislative districts under article IV, section 3, of the constitution or
20 redistricting congressional districts and except as authorized under pars. (bm), (c),
21 (e), and (f) and sub. (7), wards shall contain the following numbers of inhabitants:

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

23 5.15 (2) (bm) Every city electing the members of its common council from
24 aldermanic districts shall assemble the blocks wholly or partially contained within
25 the city into wards that will enable the creation of aldermanic districts that are

SENATE BILL 150

1 substantially equal in population. If a block is partly contained within the city, the
2 city shall divide the block to form a ward containing the portion of the block that lies
3 within the city.

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

5 5.15 (2) (e) ~~Notwithstanding par. (b),~~ If territory is detached from a city,
6 village or town after ~~adoption of a decennial ward plan~~ April 1 of the year of the
7 federal decennial census, and the remaining portion of the ward to which it was
8 attached falls below the prescribed minimum population for the applicable range,
9 the remaining portion of the population may be constituted a ward by itself.

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

14 **SECTION 7.** 5.15 (2) (f) 4. of the statutes is amended to read:

15 5.15 (2) (f) 4. New territory which becomes a part of a city, village or town after
16 ~~the adoption of a decennial ward plan~~ April 1 of the year of the federal decennial
17 census.

18 **SECTION 8.** 5.15 (2) (g) of the statutes is amended to read:

19 5.15 (2) (g) If a block is affected by an annexation or detachment which
20 establishes a municipal boundary that subdivides the block, the municipalities in
21 which the block is contained shall incorporate only the portion of the block contained
22 within their boundaries in their ~~ward plans~~ division ordinances or resolutions.

23 **SECTION 9.** 5.15 (4) of the statutes is amended to read:

24 5.15 (4) (a) The division ordinance or resolution shall number all wards in the
25 municipality ~~in~~ with unique whole numbers in consecutive order, beginning with the

SENATE BILL 150

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

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

23 **SECTION 10.** 5.15 (6) (a) of the statutes is amended to read:

24 5.15 (6) (a) Following any municipality-wide special federal census of
25 population, the governing body of the municipality in which the special census was

SENATE BILL 150

1 held may, by ordinance or resolution, adjust the ward boundaries, but no ward line
2 adjustment may cross the boundary of ~~an a congressional~~, assembly, or supervisory
3 district. The municipal clerk shall transmit copies of the ordinance or resolution in
4 compliance with sub. (4) (b).

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

6 5.15 (7) If a new town is created or if part of a town is annexed to a city or village
7 during a decennial period after ~~the period for ward adjustments under sub. (1) (b)~~
8 April 1 of the year of the federal decennial census, the town board of any town to
9 which territory is attached or from which territory is detached, without regard to the
10 time provisions of sub. (1) (b), may, by ordinance or resolution, create new wards or
11 adjust the existing wards in that town, but no to the extent required to reflect the
12 change. If a municipality is consolidated with another municipality during a
13 decennial period after April 1 of the year of the federal decennial census, the
14 governing body of the consolidated municipality, without regard to the time
15 provisions under sub. (1) (b), may, by ordinance or resolution, create new wards or
16 adjust the existing wards of the municipality to the extent required to reflect the
17 change. No ward line adjustment under this subsection may cross the boundary of
18 ~~an a congressional~~, assembly, or supervisory district. The ~~town~~ municipal clerk shall
19 transmit copies of the ordinance or resolution making the adjustment in compliance
20 with sub. (4) (b).

21 **SECTION 12.** 5.18 of the statutes is amended to read:

22 **5.18 Enforcement of division requirement.** If any municipality fails to
23 comply with s. 5.15, the county in which the municipality is located or any elector of
24 the municipality may submit to the circuit court for any county in which the
25 municipality is located within 14 days from the expiration of the ~~60-day~~ 45-day

SENATE BILL 150

1 period under s. 5.15 (1) (b) a proposed plan for the division of the municipality into
2 wards in compliance with this section. If the circuit court finds that the existing
3 division of the municipality into wards fails to comply with s. 5.15, it shall review the
4 plan submitted by the petitioner and after reasonable notice to the municipality may
5 promulgate the plan, or any other plan in compliance with s. 5.15, as a temporary
6 ward plan for the municipality to remain in effect until superseded by a ward plan
7 enacted or adopted by the governing body in compliance with s. 5.15.

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

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

SENATE BILL 150

1 supervisory districts that are substantially equal in population. The board shall
2 adopt a final plan by enacting an ordinance in accordance with sub. (3) (b) 2. to 4.
3 Changes to the final plan shall be governed by par. (d) and sub. (3) (c).

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

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

22 2. 'Election; term.' Any ~~redistricting~~ amended plan enacted under subd. 1.
23 becomes effective on the first November 15 following its enactment, and first applies
24 to the spring election following the plan's effective date. Any ~~redistricting~~ amended
25 plan enacted under subd. 1. shall remain in effect until the effective date of a

SENATE BILL 150

1 redistricting plan subsequently enacted under par. (a). Supervisors elected from the
2 districts created under subd. 1. shall serve for 4-year terms and shall take office on
3 the 3rd Monday in April following their election.

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

5 59.10 (3) (b) 1. Within ~~60~~ 45 days after the population count by census block,
6 established in the decennial federal census of population, and maps showing the
7 location and numbering of census blocks become available in printed form from the
8 federal government or are published for distribution by an agency of this state, but
9 no later than July 1 following the year of each decennial census, each board shall
10 propose a tentative county supervisory district plan setting forth the number of
11 supervisory districts proposed by the board and tentative boundaries or a description
12 of boundary requirements, hold a public hearing on the proposed plan and adopt a
13 tentative plan. The proposed plan may be amended after the public hearing. The
14 tentative plan shall divide the county into a number of districts equal to the number
15 of supervisors, with each district substantially equal in population. The board shall
16 solicit suggestions from municipalities concerning the development of an
17 appropriate plan. ~~The board shall transmit to each municipal governing body in the~~
18 ~~county the tentative plan that is adopted. Each~~ Except as authorized in this
19 subdivision, each district shall consist of whole wards or municipalities. ~~Each~~
20 ~~district shall be designated to be represented by one supervisor, and all districts shall~~
21 ~~be substantially equal in population.~~ Territory within each supervisory district to
22 be created under the tentative plan shall be contiguous, except as authorized in subd.
23 2. In the tentative plan, the board shall, whenever possible, place whole contiguous
24 municipalities or contiguous parts of the same municipality within the same district.
25 If the division of a municipality is sought by the board, the board shall provide with

SENATE BILL 150

1 the plan a written statement to the municipality affected by each proposed division
2 specifying the approximate location of the territory from which a ward is sought to
3 be created for contiguity purposes and the approximate population of the ward
4 proposed to effectuate the division. The tentative plan shall not include provision for
5 division of any census block unless the block is bisected by a municipal boundary or
6 unless a division is required to enable creation of supervisory districts that are
7 substantially equal in population. The board shall transmit a copy of the tentative
8 plan that is adopted to each municipal governing body in the county.

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

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

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

23 59.10 (3) (b) 3. The populations of supervisory districts under the tentative
24 plan shall be determined on the basis of the federal decennial census and any official
25 corrections to the census issued on or before the date that the tentative plan is

SENATE BILL 150

1 adopted to reflect the correct population of the county and municipalities and blocks
2 within the county on April 1 of the year of the census. The populations of supervisory
3 districts under the final plan shall be determined on the basis of the federal decennial
4 census and any official corrections to the census to reflect the correct populations of
5 the county and the municipalities and blocks within the county on April 1 of the year
6 of the census, if the corrections as they affect any municipality are issued prior to
7 division of the municipality into wards under s. 5.15, or if a municipality is not
8 divided into wards, prior to adoption of the final plan.

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

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

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

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

SENATE BILL 150

1 ~~until superseded by another plan enacted by the board under par. (b) and filed~~
2 ~~subdivision.~~

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

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

6 59.10 (3) (c) 2. Within 45 days after enactment or adoption of a revised division
7 ordinance or resolution under s. 5.15 (4) (a), the board shall amend the county
8 supervisory district plan under par. (b) to reflect any renumbering of the wards
9 specified in the plan.

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

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

19 59.10 (3) (cm) 1. 'Number of supervisors; redistricting.' Except as provided in
20 subd. 3., following the enactment of a decennial supervisory district plan under par.
21 (b), the board may decrease the number of supervisors. In that case, the board shall
22 redistrict, readjust, and change the boundaries of supervisory districts, so that the
23 number of districts equals the number of supervisors, the districts are substantially
24 equal in population according to the most recent countywide federal census, the
25 districts are in as compact a form as possible, and the districts consist of contiguous

SENATE BILL 150**SECTION 21**

1 municipalities or contiguous whole wards in existence at the time at which the
2 redistricting plan is adopted, except as authorized in par. (b) 1. In the redistricting
3 plan, the board shall adhere to the requirements under par. (b) 2. with regard to
4 contiguity and shall, to the extent possible, place whole contiguous municipalities or
5 contiguous parts of the same municipality within the same district. In redistricting
6 under this subdivision, the original numbers of the districts in their geographic
7 outlines, to the extent possible, shall be retained. No plan may be enacted under this
8 subdivision during review of the sufficiency of a petition filed under subd. 2. nor after
9 a referendum is scheduled on such a petition. However, if the electors of the county
10 reject a change in the number of supervisory districts under subd. 2., the board may
11 then take action under this subdivision except as provided in subd. 3. The county
12 clerk shall file a certified copy of any redistricting plan enacted under this
13 subdivision with the secretary of state.

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

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

SENATE BILL 150

1 superseded by a ~~districting~~ plan adopted by the board in compliance with this
2 section.

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

4 62.08 (1) Within ~~60~~ 45 days after the wards have been readjusted under s. 5.15
5 (1) and (2) the common council of every city, including ~~any~~ every 1st class city of the
6 first-class, shall redistrict the boundaries of its aldermanic districts, by an ordinance
7 introduced at a regular meeting of the council, published as a class 2 notice, under
8 ch. 985, and thereafter adopted by a majority vote of all the members of the council,
9 so that all aldermanic districts are as compact in area as possible and contain, as
10 nearly as practicable by combining contiguous whole wards, an equal number of
11 inhabitants according to the most recent decennial federal census of population.
12 Territory within each aldermanic district to be created under the plan shall be
13 contiguous, except that territory within the city that is wholly surrounded by another
14 city or water, or both, may be combined with noncontiguous territory, or island
15 territory, as defined in s. 5.15 (2) (f) 3., may be combined with noncontiguous territory
16 within the same municipality to form an aldermanic district. The aldermanic district
17 plan shall not include provision for division of any census block unless the block is
18 bisected by a municipal boundary or the division is made as required under s. 5.15
19 (2) (c). The populations of the aldermanic districts shall be determined on the basis
20 of the federal decennial census and any official corrections to the census to reflect the
21 correct populations of the municipality and the blocks within the municipality on
22 April 1 of the year of the census, if the corrections are issued prior to division of the
23 municipality into wards under s. 5.15. Within 45 days after enactment or adoption
24 of a revised division ordinance or resolution under s. 5.15 (4) (a), the common council

SENATE BILL 150

1 shall amend the aldermanic district plan to reflect any renumbering of the wards
2 specified in the plan.

3 **SECTION 24.** 62.08 (2) of the statutes is amended to read:

4 62.08 (2) If territory becomes a part of any city after ~~adoption of the ordinance~~
5 under sub. (1) April 1 of the year of the federal decennial census, the limitations of
6 s. 5.15 relating to population or area do not apply to the creation of new wards in the
7 attached territory, or to the addition of the territory to an existing ward, but no ward
8 line adjustment may cross the boundary of an a congressional, assembly, or
9 supervisory district.

10 **SECTION 25.** 62.08 (4m) of the statutes is amended to read:

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

25 **SECTION 26.** 62.08 (5) of the statutes is amended to read:

SENATE BILL 150

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

10 **SECTION 27.** 119.08 (1) (b) of the statutes is amended to read:

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

19 **SECTION 28.** 751.035 of the statutes is created to read:

20 **751.035 Assignment to a judicial panel; appeals.** (1) Upon receiving
21 notice under s. 801.50 (4m), the supreme court shall appoint a panel consisting of 3
22 circuit court judges to hear the matter. The supreme court shall choose one judge
23 from each of 3 circuits and shall assign one of the circuits as the venue for all hearings
24 and filings in the matter.

SENATE BILL 150

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

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

6 **SECTION 29.** 801.50 (4m) of the statutes is created to read:

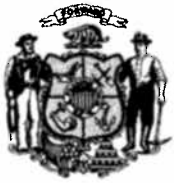
7 801.50 (4m) Venue of an action to challenge the apportionment of any
8 congressional or state legislative district shall be as provided in s. 751.035. Not more
9 than 5 days after an action to challenge the apportionment of a congressional or state
10 legislative district is filed, the clerk of courts for the county where the action is filed
11 shall notify the clerk of the supreme court of the filing.

12 **SECTION 30. Initial applicability.**

13 (1) The treatment of sections 5.15 (1) (b) (with respect to the period for ward
14 division), 5.18, 59.10 (2) (a) (with respect to the periods for supervisory redistricting),
15 (3) (b) 1. (with respect to the periods for supervisory redistricting) and 2. (with
16 respect to the periods for supervisory redistricting), and (6) (with respect to the
17 periods for supervisory redistricting), 62.08 (1) (with respect to the period for
18 aldermanic redistricting) and (5) (with respect to the period for aldermanic
19 redistricting), and 119.08 (1) (b) of the statutes first applies with respect to ward
20 division and redistricting of supervisory and aldermanic districts in response to the
21 2020 federal decennial census.

22 (2) The treatment of section 5.15 (1) (b) of the statutes (with respect to territory
23 included within wards) first applies retroactively to wards adjusted in response to
24 the 2010 federal decennial census of population.

25 (END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa1395/1
PJH:.....

g3

SENATE AMENDMENT ,
TO 2011 SENATE BILL 150

today
7-12-11

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 8: delete the material beginning with "and appointing" and
3 ending with "appeals" on page 1, line 10.

4 2. Page 19, line 19: delete the material beginning with that line and ending
5 with page 20, line 11.

6 ✓ ✓ (END)