



State of Wisconsin
2011 – 2012 LEGISLATURE



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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2011 SENATE BILL 148**

July 20, 2011 – Offered by Representatives HULSEY, POCAN, BARCA, BERCEAU, BERNARD SCHABER, BEWLEY, CLARK, E. COGGS, D. CULLEN, DANOU, DOYLE, FIELDS, GRIGSBY, HEBL, HINTZ, JORGENSEN, MASON, MILROY, MOLEPSKE JR, PASCH, POPE-ROBERTS, RADCLIFFE, RICHARDS, RINGHAND, ROYS, SEIDEL, SHILLING, SINICKI, STASKUNAS, STEINBRINK, TOLES, TURNER, VRUWINK, YOUNG, ZAMARRIPA and ZEPNICK.

1 **AN ACT to create** 4.006 of the statutes; **relating to:** preparation of legislative
2 and congressional districting plans by the Legislative Reference Bureau and
3 the Government Accountability Board.

Analysis by the Legislative Reference Bureau

The Wisconsin Constitution requires the legislature to redistrict legislative districts according to the number of inhabitants at its next session following each decennial federal census. The legislature also reapportions congressional districts pursuant to federal law.

This substitute amendment creates a new procedure for the preparation of legislative and congressional redistricting plans. The substitute amendment requires the Legislative Reference Bureau (LRB) and the Government Accountability Board (GAB) to jointly develop standards for legislative and congressional districts based on population requirements under the Wisconsin Constitution and the U.S. Constitution and requirements under Section 2 of the Voting Rights Act. One of the standards must be electoral competitiveness of the districts. The substitute amendment then directs the LRB and the GAB to draw redistricting plans for submission to the legislature for approval in accordance with the standards. Under the substitute amendment, no later than January 1 of the second year following the decennial federal census, the LRB and the GAB must deliver to the majority leader of the senate and speaker of the assembly identical bills embodying a plan of legislative and congressional districting.

The substitute amendment requires either the assembly or the senate to expeditiously introduce and bring a bill to a vote not less than seven days after the date of introduction. The vote must be under a procedure or rule permitting no amendments, except those of a purely corrective nature. If a bill is approved by the first house in which it is considered, the bill must expeditiously be brought to a vote in the second house under a similar procedure or rule.

If neither of the bills delivered by the LRB and the GAB is approved by the assembly and the senate, the LRB and the GAB must then prepare identical bills embodying a second plan of legislative and congressional redistricting. The LRB and the GAB must deliver the bill to the majority leader of the senate and the speaker of the assembly no later than 21 days after the date of the vote by which the senate or assembly failed to approve the first bill. This second bill must be expeditiously introduced and brought to a vote not less than seven days after the date of introduction, in the same manner as prescribed for the initial bill.

If the second bill is not approved by the assembly and the senate, the same procedure applies for the preparation of a third plan by the LRB and the GAB and legislative consideration of a third plan. The substitute amendment does not provide any procedure for the preparation and submission of a fourth plan by the LRB and the GAB. It is important to note that the procedure established under the substitute amendment for legislative consideration of any legislative or congressional districting plan is a rule of proceeding under the Wisconsin Constitution and, as such, would not be legally enforceable in a court of law if the assembly or senate failed to follow the procedure.

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

1 **SECTION 1.** 4.006 of the statutes is created to read:

2 **4.006 Redistricting procedure. (1)** The legislative reference bureau and
3 the government accountability board shall develop standards for legislative and
4 congressional districts based on population requirements under the Wisconsin
5 Constitution and the U.S. Constitution and requirements under section 2 of the
6 Voting Rights Act. One of the standards must be the electoral competitiveness of the
7 districts.

8 **(2)** Not later than January 1 of the 2nd year following the decennial federal
9 census, the legislative reference bureau and the government accountability board
10 shall jointly deliver to the majority leader of the senate and speaker of the assembly

1 identical bills creating plans of legislative and congressional redistricting, prepared
2 in accordance with standards developed by the legislative reference bureau and the
3 government accountability board under sub. (1). Either the assembly or the senate
4 shall expeditiously introduce and bring a bill to a vote not less than 7 days after the
5 date of introduction. The vote shall be under a procedure or rule permitting no
6 amendments except those of a purely corrective nature. If a bill is approved by the
7 first house in which it is considered, the bill shall expeditiously be brought to a vote
8 in the 2nd house under a similar procedure or rule.

9 **(3)** If neither of the bills delivered by the legislative reference bureau and the
10 government accountability board under sub. (2) is approved by both the assembly
11 and the senate, the legislative reference bureau and the government accountability
12 board shall prepare identical bills embodying a 2nd plan of legislative and
13 congressional redistricting. The legislative reference bureau and the government
14 accountability board shall deliver the bills to the majority leader of the senate and
15 the speaker of the assembly no later than 21 days after the date of the vote by which
16 the senate or the assembly failed to approve the bill submitted under sub. (2). Any
17 bill delivered by the legislative reference bureau and the government accountability
18 board under this subsection shall be expeditiously introduced and brought to a vote
19 not less than 7 days after the date of introduction, in the same manner as prescribed
20 for the bill required under sub. (2).

21 **(4)** If neither of the bills delivered by the legislative reference bureau and the
22 government accountability board under sub. (3) is approved by both the assembly
23 and the senate, the same procedure as prescribed by sub. (2) shall be followed for the
24 preparation and legislative consideration of a 3rd plan.

25 **(END)**