



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2011 Wisconsin Act 39**  
[2011 Senate Bill 150]

**Redistricting**

This Act Memorandum describes 2011 Wisconsin Act 39, relating to division of municipalities into wards and redistricting of supervisory and aldermanic districts and appointing a panel to hear challenges to the apportionment of a congressional or legislative district, and hearing certain appeals.

### **MUNICIPAL WARD PLANS**

#### **Amending Ward Plans to Effect an Act Redistricting Legislative or Congressional Districts**

*Act 39* provides that if the Legislature, in an act redistricting legislative or congressional districts, establishes a district boundary within a municipality that does not coincide with the boundary of a ward established under the ordinance or resolution of the municipality, the municipal governing body must, no later than May 15 of the 2<sup>nd</sup> year following the year of the federal census on which the act is based, amend the ordinance or resolution to the extent required to effect the act. The amended ordinance or resolution must designate the polling place for any ward that is created to effect the legislative act.

*Act 39* specifies that the above provisions may not be construed to compel a county or city to alter or redraw supervisory or aldermanic districts. If the Legislature establishes a boundary in its redistricting of legislative or congressional districts that does not coincide with a *ward* boundary, the municipal governing body must adjust its wards, *but not any supervisory or aldermanic district boundaries*, to reflect the legislative or congressional district boundary.

#### **Territory in the Wards**

Under *current law*, all territory contained within a municipality, and only the territory contained within the municipality, on August 1 following the year of the federal census must be contained within a ward.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

*Act 39* changes the date of August 1 following the year of the federal census to April 1 of the year of the federal census, thus requiring that all territory contained within a municipality, and only the territory contained within the municipality, on April 1 of the year of the federal census be contained within a ward.

### **Population of the Wards**

*Current law* specifies the number of inhabitants that are required in each ward. *Act 39* provides an exception to this requirement for wards created to effect an act of the Legislature redistricting legislative or congressional districts.

Under *current law*, every city electing the members of its common council from aldermanic districts must assemble the blocks wholly or partially contained within the city into wards that will enable the creation of aldermanic districts that are substantially equal in population. *Act 39* additionally provides that if a block is partly contained within the city, the city must divide the block to form a ward containing the portion of the block that lies within the city.

Under *current law*, if territory is detached from a city, village, or town after adoption of a decennial ward plan, and the remaining portion of the ward to which it was attached falls below the prescribed minimum population, the remaining portion of the population may be constituted a ward by itself. *Act 39*, instead, applies this provision to territory that is detached after April 1 of the year of the federal census.

Under *current law*, a city, village, or town may establish a ward below the prescribed minimum population whenever the proposed ward contains solely new territory which becomes a part of a city, village, or town after the adoption of a decennial ward plan. *Act 39*, instead, applies this exception to new territory which becomes a part of a city, village, or town after April 1 of the year of the federal census.

### **Numbering of Wards**

Under *current law*, all wards in a municipality must be numbered with whole numbers in consecutive order, beginning with number one.

*Act 39* provides that wards created to effect an act of the Legislature redistricting legislative or congressional districts, and wards authorized under s. 5.15 (2) (bm), (c), (e), or (f) or (7), Stats., may be numbered with a combination of whole numbers and letters. *The numbering of wards with a combination of whole numbers and letters will assist municipalities in adjusting wards, as necessary, to reflect legislative or congressional district boundaries established by the Legislature.*

### **Ward Line Adjustments**

Under *current law*, no ward line adjustment made in response to a special federal census or the creation or annexation of a town may cross the boundary of an Assembly district.

*Act 39* provides that no ward line adjustment made in response to a special federal census, the creation or annexation of a town, or the consolidation of municipalities may cross the boundary of a congressional, Assembly, or supervisory district.

### **Consolidation of Municipalities**

*Act 39* provides that if a municipality is consolidated with another municipality during a decennial period after April 1 of the year of the federal census, the governing body of the consolidated municipality may, by ordinance or resolution, create new wards or adjust the existing wards of the municipality to the extent required to reflect the change.

### **COUNTY SUPERVISORY DISTRICT PLANS**

#### **Tentative County Supervisory District Plan for Milwaukee County**

*Act 39* provides that, in Milwaukee County, a tentative county supervisory district plan must not include the division of any census block, unless the block is bisected by a municipal boundary or unless a division is required to enable creation of supervisory districts that are substantially equal in population.

#### **Tentative County Supervisory District Plans for Counties Other Than Milwaukee and Menominee Counties**

*Act 39* provides that a tentative county supervisory district plan must not include the division of any census block, unless the block is bisected by a municipal boundary or unless a division is required to enable creation of supervisory districts that are substantially equal in population.

#### **Amended County Supervisory District Plans**

*Act 39* requires that a county board amend the county supervisory district plan to reflect any renumbering of the wards specified in the plan within 60 days after enactment or adoption of a ward plan that was revised to effect an act redistricting legislative or congressional districts.

In addition, under *Act 39*, the districts under an amended county supervisory district plan must be substantially equal in population according to the most recent countywide federal census and must be in as compact a form as possible. The county board must adhere to requirements of contiguity and must, to the extent possible, place whole contiguous municipalities or contiguous parts of the same municipality within the same district. In the amended plan, the original numbers of the districts in their geographic outlines, to the extent possible, must be retained. An amended plan becomes effective on the first November 15 following its enactment.

### **ALDERMANIC DISTRICT PLANS**

#### **Standards for Aldermanic District Plans**

*Act 39* provides that territory within each aldermanic district must be contiguous, except that territory within the city that is wholly surrounded by another city or water, or both, may be combined with noncontiguous territory, or island territory may be combined with noncontiguous territory within the same municipality to form an aldermanic district. The aldermanic district plan may not include the division of any census block unless the block is bisected by a municipal boundary or the division is made as required under s. 5.15 (2) (c), Stats. Within 60 days after enactment or adoption of a revised division ordinance or resolution to effect an act redistricting legislative or congressional districts, the common council must amend the aldermanic district plan to reflect any renumbering of the wards specified in the plan.

**Ward Line Adjustments**

Under *current law*, no ward line adjustment made in response to territory that becomes part of a city after adoption of the aldermanic district plan may cross the boundary of an Assembly district.

*Act 39* provides that no ward line adjustment made in response to territory that becomes part of a city after April 1 of the year of the federal census may cross the boundary of a congressional, Assembly, or supervisory district.

**Decreasing the Number of Aldermanic Districts**

Under *current law*, if in a city that is solely contained within one county the aldermanic districts are coterminous with the supervisory districts of the county and the county board decreases the number of supervisors in the county after enactment of a redistricting plan, the common council of the city may, *by a majority vote of the council*, no later than November 15 immediately preceding the expiration of the terms of office of members of the council, decrease the number of aldermanic districts and the corresponding number of members of the council in the city to maintain coterminous boundaries between the aldermanic and supervisory districts.

*Act 39* provides that such action requires a *majority vote of all of the members of the council*.

**CORRECTIONS TO THE CENSUS**

*Act 39* specifies that ward plans, aldermanic district plans, and supervisory district plans must reflect the federal census and any corrections to the census, for the populations of counties, municipalities, and census blocks on April 1 of the year of the census, if corrections are issued within a specified time period.

**CHALLENGES TO APPORTIONMENT**

*Act 39* provides that, in an action to challenge the apportionment of a congressional or state legislative district, the Wisconsin Supreme Court must appoint a panel consisting of three circuit court judges to hear the matter. The Supreme Court must choose one judge from each of three circuits and must assign one of the circuits as the venue for all hearings and filings in the matter. The circuit court judges who are assigned to the matter may not be substituted. If an order or decision issued by a panel is appealed, the matter may be heard by the Supreme Court and may not be heard by a court of appeals for any district.

***Effective date:*** Act 39 generally takes effect on August 9, 2011.

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July 29, 2011