

**2019 DRAFTING REQUEST**

**Bill**

For: **Administration-Budget**

Drafter: **jkreye**

By: **Bork**

Secondary Drafters: **mgallagh**

Date: **2/7/2019**

May Contact:

Same as LRB:

Submit via email: **YES**

Requester's email:

Carbon copy (CC) to: **doasbostatlanguage@wisconsin.gov**  
**joseph.kreye@legis.wisconsin.gov**  
**michael.gallagher@legis.wisconsin.gov**

**Pre Topic:**

DOA:.....Bork, BB0306 -

**Topic:**

Redistricting

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkreye 2/8/2019	aernstr 2/8/2019			
/P1	jkreye 2/13/2019		jmurphy 2/8/2019		State
/P2	jkreye 2/20/2019	csicilia 2/20/2019	lparisi 2/13/2019		State
/P3			mbarman 2/20/2019		State

FE Sent For:

<END>

## Kreye, Joseph

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**From:** Hanaman, Cathlene  
**Sent:** Thursday, February 07, 2019 10:38 AM  
**To:** Kreye, Joseph; Gallagher, Michael  
**Subject:** FW: Statutory Language Drafting Request - 2019-21

**From:** Bork, Matthew - DOA <Matthew.Bork@wisconsin.gov>  
**Sent:** Thursday, February 07, 2019 10:35 AM  
**To:** Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>  
**Cc:** Kraus, Jennifer - DOA <Jennifer.Kraus@wisconsin.gov>; Bork, Matthew - DOA <Matthew.Bork@wisconsin.gov>  
**Subject:** Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: Redistricting

Tracking Code: BB0306

SBO Team: GGCF

SBO Analyst: Bork, Matthew  
Phone: 608-266-2288  
E-mail: [Matthew.Bork@wisconsin.gov](mailto:Matthew.Bork@wisconsin.gov)

Agency Acronym: 510

Agency Number: 510

Priority: High

Intent:

Draft would create new procedures for the preparation of legislative and congressional redistricting plans. Use all changes included in draft LRB-0137/2 for this, and add a new appropriation for the Legislative Reference Bureau that will be used for redistricting operations. The appropriation would be biennial and amounts in the schedule.

Attachments: False

Please send completed drafts to [SBOSatlanguage@spsmail.enterprise.wistate.us](mailto:SBOSatlanguage@spsmail.enterprise.wistate.us)



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-0137/2  
JK:emw&cjs

1860 P1  
Kane

2019 BILL

BB0306

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the budget

1 AN ACT to repeal 3.002 (2); to consolidate, renumber and amend 3.002  
2 (intro.) and (1m); to amend 3.004 (2) and 5.15 (4) (a); to repeal and recreate  
3 subchapter I of chapter 4 [precedes 4.001]; and to create 13.49 of the statutes;  
4 relating to: legislative and congressional redistricting

**Analysis by the Legislative Reference Bureau**

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 decennial 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. 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). Traditionally, the legislature has used municipal wards to construct legislative and congressional districts, although the legislature may adjust the boundaries of a municipal ward and use the revised ward boundaries instead. Legislative and congressional redistricting plans enacted pursuant to this procedure 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.

This bill creates a new procedure for the preparation of legislative and congressional redistricting plans. The bill directs the Legislative Reference Bureau to draw redistricting plans based upon standards specified in the bill and establishes

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a Redistricting Advisory Commission to perform certain tasks in the redistricting process. The bill also makes various other changes to the laws governing redistricting. Significant aspects of the bill include the following:

***Redistricting standards***

Under the bill, a redistricting plan drawn by the LRB must satisfy several criteria, including:

1. The plan must be based on population requirements imposed under the Wisconsin Constitution and the U.S. Constitution and requirements imposed under Section 2 of the federal Voting Rights Act, which, among other things, generally prohibits redistricting plans from abridging the right to vote on account of race or color or because a person is a member of a language minority group.

2. The senate and assembly districts established in the plan must satisfy equal population standards specified in the bill. Among other things, no senate district may have a population that exceeds that of any other senate district by more than 10 percent and no assembly district may have a population that exceeds that of any other assembly district by more than 10 percent, unless necessary to maintain compliance with Section 2 of the Voting Rights Act. Congressional districts established in the plan must each have a population as nearly equal as practicable to the ideal population for such districts, while maintaining compliance with Section 2 of the Voting Rights Act.

3. District boundaries under the plan must coincide with municipal ward boundaries and, to the extent consistent with the Wisconsin Constitution, the U.S. Constitution, and Section 2 of the Voting Rights Act, must coincide with the boundaries of political subdivisions. The number of political subdivisions divided among more than one district must be as small as possible and, with limited exceptions, if there is a choice among political subdivisions to divide, the more populous political subdivisions shall be divided before the less populous.

4. Districts must be composed of convenient contiguous territory. Under the bill, areas which meet only at the points of adjoining corners are not contiguous.

5. To the extent consistent with the requirements described in items 1. to 3., districts must be compact. The bill also specifies how compactness is to be measured.

6. In preparing the plan, the LRB must be strictly nonpartisan. No district may be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress, or other person or group or, except to the extent necessary to meet the requirements described in item 1., for the purpose of augmenting or diluting the voting strength of a language or racial minority group. The LRB may not use residence addresses of incumbent legislators or members of Congress, political affiliations of registered voters, previous election results, or, except as necessary to meet the requirements described in item 1., demographic information.

7. The number of assembly districts may not be less than 54 nor more than 100. The number of senate districts may not be more than one-third nor less than one-fourth of the number of assembly districts. Each senate district must contain only whole assembly districts and, with certain exceptions, each congressional district may contain only whole senate districts, to the extent possible.

**BILL*****Redistricting Advisory Commission***

The bill assigns several tasks to the Redistricting Advisory Commission, including the following:

1. If requested to do so by the LRB, the commission must provide direction to the LRB concerning any decision the LRB must make in preparing a redistricting plan for which no clearly applicable guideline is provided under the bill.

2. The commission must make available to the public at the earliest feasible time copies of any redistricting bill delivered by the LRB to the legislature, as provided under this bill, maps illustrating the redistricting bill, a summary of the standards applicable to the LRB for development of the plan in the redistricting bill, and a statement of the population of each district created in the plan and the relative deviation of each district population from the ideal district population.

3. The commission must conduct public hearings on a redistricting bill delivered by the LRB to the legislature, as provided under this bill, unless the redistricting bill represents a plan drawn in response to a redistricting bill that was previously delivered to the legislature and rejected by at least one house. The bill also requires the commission to hold a hearing in each of the congressional districts in this state and, whenever it is practicable, on weekends. The commission must submit a report to the legislature summarizing information and testimony received by the commission at the hearings. The report may also include any comments and conclusions that the commission's members deem appropriate concerning the information and testimony received at the hearings or otherwise presented to the commission.

The bill also permits the commission to establish policies limiting the information that the LRB may provide to persons outside of LRB staff concerning any redistricting plan drawn by the LRB, except that any such policy does not apply to population data furnished to the LRB by the U.S. Bureau of the Census or to a redistricting plan after a bill embodying that plan is delivered by the LRB to the legislature as required under this bill. The bill also provides that any draft maps, along with the data sets used to create them, that the LRB produces in the course of preparing a redistricting plan must be open to public inspection and copying and made available on the Internet site of the LRB as soon as they are produced.

Under the bill, the Redistricting Advisory Commission must be created not later than February 15 of the first year following the decennial federal census and terminates upon satisfying its duties, until a new Redistricting Advisory Commission is created for the next round of legislative and congressional redistricting. The commission consists of five members. The speaker and minority leader of the assembly and the majority and minority leaders of the senate must each appoint one person to serve on the commission. Within 30 days after the fourth commission member is appointed, but not later than February 15 of the first year following the decennial federal census, the four commission members so appointed must select the fifth commission member, who serves as chairperson. The bill prohibits all of the following individuals from being commission members: individuals who are not eligible electors of this state at the time of the appointment, individuals who hold partisan public office or political party office, and individuals

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who are a relative of or are employed by a member of the legislature or of Congress or are employed directly by the legislature or Congress.

***Redistricting process***

The bill requires the LRB to perform certain tasks in preparation for drawing congressional and legislative redistricting plans on the basis of each federal decennial census. For example, as soon as possible after receiving from the U.S. Bureau of the Census the population data needed for legislative redistricting, the LRB must use that data to assign a population figure to geographic or political units to facilitate the drawing of redistricting plans. Typically, this data is available on or about April 1 of the first year following the decennial federal census. The LRB must also prepare and publish an analysis describing the population of current legislative and congressional districts and the extent to which the districts may violate the redistricting standards described above. In addition, as municipalities complete their ward plans (typically, by October of the first year following the decennial federal census), the LRB must assign a population figure based upon certified federal census data to each municipal ward, for use in drawing redistricting plans.

Not later than January 1 of the second year following the decennial federal census, the LRB must deliver to the majority leader of the senate and speaker of the assembly identical bills embodying a plan of legislative and congressional redistricting, drawn in accordance with the standards described above. The bill further specifies a procedure that the legislature must follow in considering the bills, although that procedure is not enforceable by the courts. The bill requires either the assembly or the senate to bring the bill to a vote expeditiously, but not less than seven days after the report of the Redistricting Advisory Commission is received and made available to the members of the legislature. The vote must be under a procedure or rule permitting no amendments except those of a purely corrective nature. If the 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 is approved by both the assembly and the senate, the chief clerk of the house that failed to approve the bill must transmit to the LRB information that the house may direct regarding reasons why the plan was not approved. The LRB must then prepare identical bills embodying a second plan of legislative and congressional redistricting, taking into account the reasons transmitted to the LRB, insofar as it is possible to do so while complying with the standards described above. The LRB 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 the assembly failed to approve the bill initially submitted. 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 similarly rejected by at least one house, the same procedure applies, except that the third bill is subject to amendment in the same manner as other bills. In addition, the third bill and any amendments to it may be passed only with the approval of three-fourths of all the members elected in each house.

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The bill also provides exceptions to this process to account for variations in the timing of the release of federal census data.

In addition, the bill prohibits the majority leader of the senate, the minority leader of the senate, the speaker of the assembly, or the minority leader of the assembly from assigning or hiring any person to work with the LRB to prepare for redistricting, to prepare plans, or to oversee either process.

***Required contents of redistricting bills***

The LRB must ensure that each bill embodying a redistricting plan it draws contains specified conventions to apply wherever territory in a plan is described by geographic boundaries. Also, each such bill must provide that the bill first applies, with respect to regular elections, to offices filled at the next occurring general election and, with respect to special or recall elections, to offices filled or contested on or after the date of the next occurring general election.

***Challenge based on population inequality***

If an action is brought challenging a legislative redistricting plan adopted under the procedure established in the bill on the basis of an excessive population variance among senate or assembly districts, the legislature has the burden of justifying any variance in excess of 10 percent between the population of a senate or assembly district and the applicable ideal district population. If an action is brought challenging a congressional redistricting plan adopted under the procedure established in the bill on the basis of an excessive population variance among congressional districts, the legislature has the burden of justifying any variance in excess of 1 percent between the population of a congressional district and the applicable ideal district population.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 3.002 (intro.) and (1m) of the statutes are consolidated, renumbered  
2           3.002 and amended to read:

3           **3.002 Description of territory.** In this chapter: ~~(1m) Reference, reference~~  
4           to any county or municipality means that county or municipality as its boundaries  
5           exist on April 1 of the year of the federal decennial census on which the districting  
6           plan described under subch. II is based.

7           **SECTION 2.** 3.002 (2) of the statutes is repealed.

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1       **SECTION 3.** 3.004 (2) of the statutes is amended to read:

2           3.004 (2) “Ward” means a ward prescribed by a municipality based upon

3       municipal boundaries in effect on April 1 of the year of the federal decennial census

4       in accordance with the most recent revision of municipal wards under s. 5.15 upon

5       ~~which the districting plan described under subch. II is based~~ and used in preparing

6       congressional and legislative redistricting plans as required under s. 4.005.

7       **SECTION 4.** Subchapter I of chapter 4 [precedes 4.001] of the statutes is repealed

8       and recreated to read:

**CHAPTER 4**

**SUBCHAPTER I**

**GENERAL PROVISIONS**

**AND REDISTRICTING**

13       **4.001 Definitions.** In this chapter, unless the context requires otherwise:

14       (1) “Block” has the meaning given in s. 5.02 (1q).

15       (2) “Commission” means the redistricting advisory commission established

16       under s. 13.49.

17       (3) “Plan” means a plan for legislative and congressional reapportionment

18       prepared under this subchapter.

19       (4) “Political subdivision” means a city, town, village, or county within this

20       state.

21       (5) “Section 2 of the Voting Rights Act” means 52 USC 10301.

22       (6) “Ward” means a municipal ward in effect on April 1 of the year of the federal

23       decennial census and used in preparing congressional and legislative redistricting

24       plans as required under s. 4.005.

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1           **4.002 Political subdivision boundaries.** In this chapter, reference to any  
2 political subdivision means that political subdivision as its boundaries exist on April  
3 1 of the year of the federal decennial census.

4           **4.003 Legislative districts established.** This state is divided into 33 senate  
5 districts, each composed of 3 assembly districts. Each senate district may elect one  
6 member of the senate. Each assembly district may elect one representative to the  
7 assembly.

8           **4.004 Preparations for redistricting. (1)** The legislative reference bureau  
9 shall acquire appropriate information, review and evaluate available facilities, and  
10 develop programs and procedures in preparation for drawing congressional and  
11 legislative redistricting plans on the basis of each federal decennial census.

12           **(2)** By December 1 of the year of the decennial federal census, the legislative  
13 reference bureau shall obtain from the U.S. bureau of the census information  
14 regarding geographic and political units in this state for which federal census  
15 population data has been gathered and will be tabulated. The legislative reference  
16 bureau shall use the information to do all of the following:

17           (a) Prepare necessary descriptions of geographic and political units for which  
18 census data will be reported and that are suitable for use as components of legislative  
19 districts.

20           (b) Prepare maps of geographic and political units within the state which may  
21 be used to illustrate the locations of district boundaries proposed in plans prepared  
22 in accordance with s. 4.007.

23           **(3)** As soon as possible after receiving from the U.S. bureau of the census the  
24 population data needed for legislative redistricting that the U.S. bureau of the  
25 census is required to provide this state under P.L. 94-171, the legislative reference

**BILL****SECTION 4**

1 bureau shall use that data to assign a population figure based upon certified federal  
2 census data to each geographic or political unit described under sub. (2) (b). The  
3 legislative reference bureau shall prepare and publish an analysis describing the  
4 population of current legislative and congressional districts and the extent to which  
5 the districts may violate the standards under s. 4.007. Upon satisfying these  
6 requirements, the legislative reference bureau shall begin the preparation of  
7 congressional and legislative redistricting plans as required under s. 4.006.

8 (4) None of the 4 selecting authorities, as defined in s. 13.49 (1) (b), may assign  
9 or hire any person to work with the legislative reference bureau to prepare for  
10 redistricting under this section, to prepare plans under s. 4.006, or to oversee either  
11 process.

12 **4.005 Use of municipal ward plans.** After receipt of a division ordinance or  
13 resolution under s. 5.15 (4) (b), the legislative reference bureau shall use the data  
14 obtained from the U.S. bureau of the census under s. 4.004 (3) to assign a population  
15 figure based upon certified federal census data to each ward established in the  
16 division ordinance or resolution. The legislative reference bureau shall use each  
17 ward to which a population figure is assigned in preparing congressional and  
18 legislative redistricting plans as required under s. 4.006.

19 **4.006 Preparation of redistricting plans.** (1) Not later than January 1 of  
20 the 2nd year following the decennial federal census, the legislative reference bureau  
21 shall deliver to the majority leader of the senate and speaker of the assembly  
22 identical bills creating plans of legislative and congressional redistricting, prepared  
23 in accordance with s. 4.007. Either the assembly or the senate shall bring the bill to  
24 a vote expeditiously, but not less than 7 days after the commission report under s.  
25 13.49 (3) (c) 2. is received and made available to the members of the legislature. The

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1 vote shall be under a procedure or rule permitting no amendments except those of  
2 a purely corrective nature. If the bill is approved by the first house in which it is  
3 considered, the bill shall expeditiously be brought to a vote in the 2nd house under  
4 a similar procedure or rule.

5 (2) If neither of the bills delivered by the legislative reference bureau under  
6 sub. (1) is approved by both the assembly and the senate, the chief clerk of the house  
7 that failed to approve the bill shall immediately transmit to the legislative reference  
8 bureau information that the house may direct regarding reasons why the plan was  
9 not approved. The legislative reference bureau shall prepare identical bills  
10 embodying a 2nd plan of legislative and congressional redistricting prepared in  
11 accordance with s. 4.007, taking into account the reasons transmitted to the  
12 legislative reference bureau under this subsection insofar as it is possible to do so  
13 within the requirements of s. 4.007. The legislative reference bureau shall deliver  
14 the bills to the majority leader of the senate and the speaker of the assembly no later  
15 than 21 days after the date of the vote by which the senate or the assembly failed to  
16 approve the bill submitted under sub. (1). Any bill delivered by the legislative  
17 reference bureau under this subsection shall be expeditiously introduced and  
18 brought to a vote not less than 7 days after the date of introduction, in the same  
19 manner as prescribed for the bill required under sub. (1).

20 (3) If neither of the bills delivered by the legislative reference bureau under  
21 sub. (2) is approved by both the assembly and the senate, the same procedure as  
22 prescribed by sub. (2) shall be followed. If a 3rd plan is required under this  
23 subsection, the legislative reference bureau shall deliver the bills to the majority  
24 leader of the senate and the speaker of the assembly no later than 21 days after the  
25 date of the vote by which the senate or the assembly failed to approve the bill

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1 submitted under sub. (2). Any bill delivered by the legislative reference bureau  
2 under this subsection shall be expeditiously introduced and brought to a vote not less  
3 than 7 days after the date of introduction and shall be subject to amendment in the  
4 same manner as other bills. Any bill delivered under this subsection, and any  
5 amendment to such a bill, may be passed only with the approval of three-fourths of  
6 all the members elected in each house.

7 (4) Notwithstanding subs. (1) to (3):

8 (a) If certified federal census data that is sufficient to permit preparation of a  
9 congressional redistricting plan becomes available at an earlier time than the  
10 population data needed to permit preparation of a legislative redistricting plan in  
11 accordance with s. 4.007, the legislative reference bureau shall so inform the  
12 majority leader of the senate and the speaker of the assembly. If the majority leader  
13 of the senate and the speaker of the assembly jointly direct, the legislative reference  
14 bureau shall prepare a separate bill establishing congressional districts and deliver  
15 it separately from the bill establishing legislative districts. The legislature shall  
16 proceed to consider the congressional redistricting bill in substantially the manner  
17 prescribed by subs. (1) to (3).

18 (b) If the population data for legislative redistricting that the U.S. bureau of  
19 the census is required to provide this state under P.L. 94-171 and, if used by the  
20 legislative reference bureau, the corresponding topologically integrated geographic  
21 encoding and referencing data file for that population data are not available to the  
22 legislative reference bureau on or before April 1 of the first year following the  
23 decennial federal census, the deadlines set forth in this section shall be extended by  
24 a number of days equal to the number of days after April 1 of the first year following  
25 the decennial federal census that the population data and the topologically

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1 integrated geographic encoding and referencing data file for legislative redistricting  
2 become available.

3 **4.007 Redistricting standards.** (1) Legislative and congressional districts  
4 shall be established on the basis of population requirements imposed under the  
5 Wisconsin Constitution and the U.S. Constitution and requirements imposed under  
6 Section 2 of the Voting Rights Act.

7 (2) Senate and assembly districts, respectively, shall satisfy the population  
8 standards established in this subsection. The quotient, obtained by dividing the sum  
9 of the absolute values of the deviations of all district populations from the applicable  
10 ideal district population by the number of districts established, may not exceed 1  
11 percent of the applicable ideal district population, unless necessary to maintain  
12 compliance with Section 2 of the Voting Rights Act. For purposes of this subsection,  
13 the ideal district population is determined by dividing the population of the state  
14 reported in the most recent federal decennial census by the number of districts to be  
15 established. No senate district may have a population that exceeds that of any other  
16 senate district by more than 10 percent and no assembly district may have a  
17 population that exceeds that of any other assembly district by more than 10 percent,  
18 unless necessary to maintain compliance with Section 2 of the Voting Rights Act.

19 (3) Congressional districts shall each have a population as nearly equal as  
20 practicable to the ideal district population, derived as prescribed in sub. (2), while  
21 maintaining compliance with Section 2 of the Voting Rights Act. No congressional  
22 district may have a population which varies by more than 1 percent from the  
23 applicable ideal district population, unless necessary to comply with Section 2 of the  
24 Voting Rights Act.

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1           (4) District boundaries shall coincide with ward boundaries and, to the extent  
2 consistent with sub. (1), shall coincide with the boundaries of political subdivisions.  
3 The number of political subdivisions divided among more than one district shall be  
4 as small as possible. When there is a choice among political subdivisions to divide,  
5 the more populous political subdivisions shall be divided before the less populous,  
6 except that this requirement does not apply to a legislative district boundary drawn  
7 along a county boundary which passes through a city with territory in more than one  
8 county.

9           (5) Districts shall be composed of convenient contiguous territory. Areas which  
10 meet only at the points of adjoining corners are not contiguous.

11           (6) (a) In this subsection:

12           1. "Geographic unit center" means that point within a population data unit  
13 approximately equidistant from the northern and southern extremities and also  
14 approximately equidistant from the eastern and western extremities of the  
15 population data unit. This point shall be determined by visual observation of a map  
16 of the population data unit, unless it is otherwise determined within the context of  
17 an appropriate coordinate system developed by the federal government or another  
18 source that the legislative reference bureau determines is qualified and objective and  
19 is obtained for use in this state with prior approval of the joint committee on  
20 legislative organization.

21           2. "Population data unit" means a ward, census enumeration district, block, or  
22 other unit of territory having clearly identified geographic boundaries and for which  
23 a total population figure is included in or can be derived directly from certified  
24 federal census data.

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1           3. “X-coordinate” means the relative location of a point along the east–west  
2 axis of the state. Unless otherwise measured within the context of an appropriate  
3 coordinate system obtained for use as permitted by subd. 1., the x-coordinate shall  
4 be measured along a line drawn due east from a due north and south line running  
5 through the point which is the western extremity of this state, to the point to be  
6 located.

7           4. “Y-coordinate” means the relative location of a point along the north–south  
8 axis of the state. Unless otherwise measured within the context of an appropriate  
9 coordinate system obtained for use as permitted by subd. 1., the y-coordinate shall  
10 be measured along a line drawn due south from a due east and west line running  
11 through the point which is the northern extremity of this state, to the point to be  
12 located.

13           (b) To the extent consistent with subs. (1) to (3), districts shall be compact in  
14 form. Compact districts are those which are square, rectangular, or hexagonal in  
15 shape to the extent permitted by natural or political boundaries. When it is  
16 necessary to compare the relative compactness of 2 or more districts, or of 2 or more  
17 alternative redistricting plans, the tests prescribed by pars. (c) and (d) shall be used.  
18 Should the results of these 2 tests be contradictory, the standard under par. (c) shall  
19 be given greater weight than the standard under par. (d).

20           (c) 1. The compactness of a district is greatest when the length of the district  
21 and the width of the district are equal. The measure of a district’s compactness is  
22 the absolute value of the difference between the length and the width of the district.

23           2. In measuring the compactness of a district by means of electronic data  
24 processing, the difference between the x-coordinates of the easternmost and the  
25 westernmost geographic unit centers included in the district shall be compared to the



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1 difference between the y-coordinates of the northernmost and southernmost  
2 geographic unit centers included in the district.

3 3. To determine the length and width of a district by manual measurement, the  
4 distance from the northernmost point or portion of the boundary of a district to the  
5 southernmost point or portion of the boundary of the same district and the distance  
6 from the westernmost point or portion of the boundary of the district to the  
7 easternmost point or portion of the boundary of the same district shall each be  
8 measured. If the northernmost or southernmost portion of the boundary, or each of  
9 these points, is a part of the boundary running due east and west, the line used to  
10 make the measurement required by this subdivision shall be drawn either due north  
11 and south or as nearly so as the configuration of the district permits. If the  
12 easternmost or westernmost portion of the boundary, or each of these points, is a part  
13 of the boundary running due north and south, a similar procedure shall be followed.  
14 The lines to be measured for the purpose of this subdivision shall each be drawn as  
15 required by this subdivision, even if some part of either or both lines lies outside the  
16 boundaries of the district which is being tested for compactness.

17 4. The absolute values computed for individual districts under this paragraph  
18 may be cumulated for all districts in a plan in order to compare the overall  
19 compactness of 2 or more alternative redistricting plans for the state or for a portion  
20 of the state. However, it is not valid to cumulate or compare absolute values  
21 computed using the measurements under subd. 2. with those computed using the  
22 measurements under subd. 3.

23 (d) 1. The compactness of a district is greatest when the ratio of the dispersion  
24 of population about the population center of the district to the dispersion of  
25 population about the geographic center of the district is one to one.

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1           2. The population dispersion about the population center of a district or about  
2 the geographic center of a district is computed as the sum of the products of the  
3 population of each population data unit included in the district multiplied by the  
4 square of the distance from the geographic unit center of that population data unit  
5 to the population center or the geographic center of the district, as the case may be.  
6 The geographic center of the district is defined by averaging the locations of all  
7 geographic unit centers which are included in the district. The population center of  
8 the district is defined by computing the population-weighted average of the  
9 x-coordinates and y-coordinates of each geographic unit center assigned to the  
10 district, it being assumed for the purpose of this calculation that each population  
11 data unit possesses uniform density of population.

12           3. The ratios computed for individual districts under this paragraph may be  
13 averaged for all districts in a plan in order to compare the overall compactness of 2  
14 or more alternative redistricting plans for the state or for a portion of the state.

15           (7) In preparing any redistricting plan, the legislative reference bureau shall  
16 be strictly nonpartisan. No district may be drawn for the purpose of favoring a  
17 political party, incumbent legislator or member of Congress, or other person or group  
18 or, except to the extent required under sub. (1), for the purpose of augmenting or  
19 diluting the voting strength of a language or racial minority group. In establishing  
20 districts, no use shall be made of any of the following data:

21           (a) The residence addresses of incumbent legislators or members of Congress.

22           (b) Political affiliations of registered voters.

23           (c) Previous election results.

24           (d) Demographic information except as necessary to meet the requirements of  
25 sub. (1).

**BILL**

1           (8) The number of assembly districts in any redistricting plan may not be less  
2 than 54 nor more than 100. The number of senate districts in any redistricting plan  
3 may not be more than one-third nor less than one-fourth of the number of assembly  
4 districts. Each senate district shall contain only whole assembly districts. Except  
5 as otherwise provided in this subsection, to the extent possible, each congressional  
6 district shall contain only whole senate districts. The other standards specified in  
7 this section shall take precedence where a conflict arises between those standards  
8 and the requirement of including only whole senate districts within a congressional  
9 district.

10           **4.008 Required provisions in redistricting bills.** Each bill delivered under  
11 s. 4.006 shall provide all of the following:

12           (1) That, wherever territory is described in the bill by geographic boundaries,  
13 the following conventions are used:

14           (a) Each bound continues to the intersection with the bound next named, or to  
15 the intersection with a straight-line extension of such bound.

16           (b) If the bound is a street, it follows the center line of the street or the center  
17 line of the street extended.

18           (c) If the bound is a railroad right-of-way, it follows the center line of the  
19 railroad right-of-way.

20           (d) If the bound is a river or stream, it follows the center of the main channel  
21 of such river or stream.

22           (e) If the bound follows a municipal boundary, it coincides with such boundary.

23           (2) That the bill first applies, with respect to regular elections, to offices filled  
24 at the next occurring general election after the bill takes effect and, with respect to

**BILL**

1 special or recall elections, to offices filled or contested on or after the date of that  
2 general election.

3 **4.0085 Challenge based on population inequality; burden of proof.** If  
4 an action is brought challenging a legislative redistricting plan under this  
5 subchapter on the basis of an excessive population variance among senate or  
6 assembly districts established in the plan, the legislature has the burden of  
7 justifying any variance in excess of 10 percent between the population of a senate or  
8 assembly district and the applicable ideal district population. If an action is brought  
9 challenging a congressional redistricting plan under this subchapter on the basis of  
10 an excessive population variance among congressional districts established in the  
11 plan, the legislature has the burden of justifying any variance in excess of 1 percent  
12 between the population of a congressional district and the applicable ideal district  
13 population.

14 **SECTION 5.** 5.15 (4) (a) of the statutes is amended to read:

15 5.15 (4) (a) Except as provided in par. (c), the division ordinance or resolution  
16 shall number all wards in the municipality with unique whole numbers in  
17 consecutive order, beginning with the number one, shall designate the polling place  
18 for each ward, and shall describe the boundaries of each ward consistent with the  
19 conventions set forth in s. ~~4.003~~ 4.008 (1). The ordinance or resolution shall be  
20 accompanied by a list of the block numbers used by the U.S. bureau of the census that  
21 are wholly or partly contained within each ward, with any block numbers partly  
22 contained within a ward identified, and a map of the municipality which illustrates  
23 the revised ward boundaries. If the legislature, in an act redistricting legislative  
24 districts under article IV, section 3, of the constitution, or in redistricting  
25 congressional districts, establishes a district boundary within a municipality that

**BILL**

1 does not coincide with the boundary of a ward established under the ordinance or  
2 resolution of the municipality, the municipal governing body shall, no later than  
3 April 10 of the 2nd year following the year of the federal decennial census on which  
4 the act is based, amend the ordinance or resolution to the extent required to effect  
5 the act. The amended ordinance or resolution shall designate the polling place for  
6 any ward that is created to effect the legislative act. Nothing in this paragraph shall  
7 be construed to compel a county or city to alter or redraw supervisory or aldermanic  
8 districts.

9 **SECTION 6.** 13.49 of the statutes is created to read:

10 **13.49 Redistricting advisory commission. (1) DEFINITIONS.** In this section:

11 (a) "Chief election officer" means the elections commission administrator.

12 (b) "Four selecting authorities" means all of the following:

13 1. The majority leader of the senate.

14 2. The minority leader of the senate.

15 3. The speaker of the assembly.

16 4. The minority leader of the assembly.

17 (c) "Partisan public office" means any of the following:

18 1. The office of governor, lieutenant governor, secretary of state, state treasurer,  
19 attorney general, state senator, or state representative to the assembly.

20 2. A county office that is filled by an election process involving nomination and  
21 election of candidates on a partisan basis.

22 (d) "Political party office" means an elective office in a political party, as defined  
23 in s. 11.0101 (26), or in a national political party.

24 (e) "Relative" means an individual who is related to the person in question as  
25 father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece,

**BILL**

1 husband, wife, grandfather, grandmother, father-in-law, mother-in-law,  
2 son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather,  
3 stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half  
4 sister.

5 (2) GENERAL PROVISIONS. (a) Not later than February 15 of the first year  
6 following the decennial federal census, a temporary redistricting advisory  
7 commission is created consisting of 5 members. Each of the 4 selecting authorities  
8 shall certify to the chief election officer the selecting authority's appointment of a  
9 person to serve on the commission. Within 30 days after the last selecting authority  
10 has certified his or her appointment, but not later than February 15 of the first year  
11 following the decennial federal census, the 4 commission members so appointed shall  
12 select, by a vote of at least 3 members, and certify to the chief election officer the 5th  
13 commission member, who shall serve as chairperson.

14 (b) No individual may be appointed to the redistricting advisory commission  
15 who satisfies any of the following:

16 1. The individual is not an eligible elector of this state at the time of the  
17 appointment.

18 2. The individual holds partisan public office or political party office.

19 3. The individual is a relative of or is employed by a member of the legislature  
20 or of Congress or is employed directly by the legislature or Congress.

21 (c) Members of the redistricting advisory commission appointed by a selecting  
22 authority shall be reimbursed from the appropriation account under s. 20.765 (1) (a)  
23 or (b), depending upon the house in which that member's appointing authority holds  
24 office, for actual and necessary expenses incurred in performance of duties as a  
25 commission member. The member who is not appointed by a selecting authority

**BILL**

1 shall be reimbursed from the appropriation under s. 20.765 (1) (a) for actual and  
2 necessary expenses incurred in performance of duties as a commission member.

3 (d) A vacancy on the redistricting advisory commission shall be filled as  
4 provided in s. 17.20 (1) within 15 days after the vacancy occurs.

5 (e) Each redistricting advisory commission terminates upon complying with  
6 sub. (3).

7 **(3) DUTIES.** The redistricting advisory commission shall do all of the following:

8 (a) If requested to do so by the legislative reference bureau, provide direction  
9 to the legislative reference bureau concerning any decision the legislative reference  
10 bureau must make in preparing a redistricting plan under subch. I of ch. 4 for which  
11 no clearly applicable guideline is provided under s. 4.007.

12 (b) Upon delivery by the legislative reference bureau of a bill embodying a  
13 redistricting plan as required under s. 4.006, make available to the public at the  
14 earliest feasible time all of the following information:

15 1. Copies of the bill.

16 2. Maps illustrating the plan.

17 3. A summary of the standards prescribed under s. 4.007 for development of the  
18 plan.

19 4. A statement of the population of each district included in the plan and the  
20 relative deviation of each district population from the ideal district population.

21 (c) Upon delivery by the legislative reference bureau of an initial bill embodying  
22 a redistricting plan as required under s. 4.006 (1), do all of the following:

23 1. As expeditiously as reasonably possible, schedule and conduct public  
24 hearings, in different geographic regions of the state, on the plan embodied in the  
25 bill. No more than one public hearing may be held in the city of Madison, and at least

**BILL**

1 one public hearing shall be held in each congressional district of the state. The  
2 commission shall hold public hearings on weekends whenever it is practicable.

3 2. Following the hearings held under subd. 1., promptly prepare and submit  
4 to the legislature in the manner provided under s. 13.172 (2) a report summarizing  
5 information and testimony received by the commission in the course of the hearings.  
6 The report may include any comments and conclusions that the commission's  
7 members deem appropriate concerning the information and testimony received at  
8 the hearings or otherwise presented to the commission. The report shall be treated  
9 in the same manner as a report submitted under s. 13.172 (2).

10 (4) CONFIDENTIALITY. (a) Except as provided in par. (b), the redistricting  
11 advisory commission may establish policies limiting the information that the  
12 legislative reference bureau may provide to persons outside of the bureau staff  
13 concerning any redistricting plan prepared under subch. I of ch. 4.

14 (b) Any policy established under par. (a) does not apply to a redistricting plan  
15 after a bill embodying that plan is delivered by the legislative reference bureau as  
16 required under s. 4.006 or to population data furnished to the legislative reference  
17 bureau by the U.S. bureau of the census. Notwithstanding s. 13.92 (1) (c), any draft  
18 maps, along with the data sets used to create them, that are produced by the  
19 legislative reference bureau in the course of its work in preparing a bill under s. 4.006  
20 shall be open to public inspection and copying under s. 19.35 (1) and made available  
21 on the Internet site of the legislative reference bureau as soon as they are produced.

**SECTION 7. Initial applicability.**

22  
23 (1) This act first applies to redistricting plans based on the 2020 decennial  
24 federal census.

25 (END)

Insert  
21-21



Insert A

*if requested to do so  
by the LRB, the*

ELECTIONS

This bill creates a new procedure for the preparation of legislative and congressional redistricting plans. The bill directs the LRB to draw redistricting plans based upon standards specified in the bill and establishes a Redistricting Advisory Commission to perform certain tasks in the redistricting process. The commission consists of five members. The speaker and minority leader of the assembly and the majority and minority leaders of the senate must each appoint one person to serve on the commission. The four appointed commissioners then select a fifth commissioner to serve as chairperson. The bill prohibits all of the following individuals from being commission members: individuals who are not eligible electors of this state at the time of the appointment, individuals who hold partisan public office or political party office, and individuals who are a relative of or are employed by a member of the legislature or of Congress or are employed directly by the legislature or Congress.

The commission must provide direction to the LRB concerning any decision the LRB must make in preparing a redistricting plan. The bill permits the commission to establish policies limiting the information that the LRB may provide to persons outside of LRB staff concerning any redistricting plan. However, the bill also provides that any draft maps, along with the data sets used to create them, that the LRB produces in the course of preparing a redistricting plan must be open to the public and made available on the Internet site of the LRB as soon as they are produced.

In preparing the plan, the LRB must be strictly nonpartisan. No district may be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress, or other person or group, or, except to the extent necessary to meet the requirements of the Voting Rights Act, for the purpose of augmenting or diluting the voting strength of a language or racial minority group. The LRB may not use residence addresses of incumbent legislators or members of Congress, political affiliations of registered voters, previous election results, or, except as necessary to meet the requirements of the Voting Rights Act, demographic information.

After the LRB submits a plan to the legislature, the commission must also hold public hearings on the plan and submit a report to the legislature summarizing information and testimony received at the hearings. The bill requires either the assembly or the senate to bring the redistricting plan to a vote expeditiously, but not less than seven days after the report of the commission is received and made available to the members of the legislature. That plan may not be amended. If the first plan fails to pass, the legislature must submit to the LRB the reasons for why the plan failed. The LRB then must submit a second plan which also may not be amended. If the second plan fails, the LRB must produce a third plan. The third plan

*def*

*that*

may be amended, but the plan and all amendments to it may be passed only with the approval of three-fourths of all the members elected in each house.

**Insert 21 - 21**

1           **SECTION 1.** 20.765 (3) (bd) of the statutes is created to read:

2           20.765 (3) (bd) *Legislative reference bureau; redistricting.* For the legislative  
3 reference bureau, biennially, the amounts in the schedule for redistricting  
4 operations under subch. I of ch. 4.

bud note →

5           **SECTION 9312. Initial applicability; Elections Commission.**

6           (1) REDISTRICTING. The treatment of ss. 3.002 (intro.), (1m), and (2), 3.004 (2),  
7 subch. I of ch. 4, 5.15 (4) (a), 13.49, and 20.765 (3) (bd) first applies to redistricting  
8 plans based on the 2020 decennial federal census.



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1860/P1  
JK:cjs&ahe

P2  
Stam

DOA:.....Bork, BB0306 - Redistricting

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

in Wed 2-13

§

oversee the LRBs' work in drawing redistricting plans and to

1 AN ACT ...; relating to: the budget.

**Analysis by the Legislative Reference Bureau  
ELECTIONS**

This bill creates a new procedure for the preparation of legislative and congressional redistricting plans. The bill directs the LRB to draw redistricting plans based upon standards specified in the bill and establishes a Redistricting Advisory Commission to perform certain tasks in the redistricting process. The commission consists of five members. The speaker and minority leader of the assembly and the majority and minority leaders of the senate must each appoint one person to serve on the commission. The four appointed commissioners then select a fifth commissioner to serve as chairperson. The bill prohibits all of the following individuals from being commission members: individuals who are not eligible electors of this state at the time of the appointment, individuals who hold partisan public office or political party office, and individuals who are a relative of or are employed by a member of the legislature or of Congress or are employed directly by the legislature or Congress.

If requested to do so by the LRB, the commission must provide direction to the LRB concerning any decision the LRB must make in preparing a redistricting plan. The bill permits the commission to establish policies limiting the information that the LRB may provide to persons outside of LRB staff concerning any redistricting plan. However, the bill also provides that any draft maps, along with the data sets used to create them, that the LRB produces in the course of preparing a redistricting

plan must be open to the public and made available on the Internet site of the LRB as soon as they are produced.

In preparing the plan, the LRB must be strictly nonpartisan. No district may be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress, or other person or group, or, except to the extent necessary to meet the requirements of the Voting Rights Act, for the purpose of augmenting or diluting the voting strength of a language or racial minority group. The LRB may not use residence addresses of incumbent legislators or members of Congress, political affiliations of registered voters, previous election results, or, except as necessary to meet the requirements of the Voting Rights Act, demographic information.

After the LRB submits a plan to the legislature, the commission must hold public hearings on the plan and submit a report to the legislature summarizing information and testimony received at the hearings. The bill requires either the assembly or the senate to bring the redistricting plan to a vote expeditiously, but not less than seven days after the report of the commission is received and made available to the members of the legislature. That plan may not be amended. If the first plan fails to pass, the legislature must submit to the LRB the reasons for why the plan failed. The LRB then must submit a second plan that also may not be amended. If the second plan fails, the LRB must produce a third plan. The third plan may be amended, but the plan and all amendments to it may be passed only with the approval of three-fourths of all the members elected in each house.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 3.002 (intro.) and (1m) of the statutes are consolidated, renumbered  
2           3.002 and amended to read:

3           **3.002 Description of territory.** In this chapter: ~~(1m) Reference, reference~~  
4           to any county or municipality means that county or municipality as its boundaries  
5           exist on April 1 of the year of the federal decennial census ~~on which the districting~~  
6           plan described under subch. II is based.

7           **SECTION 2.** 3.002 (2) of the statutes is repealed.

8           **SECTION 3.** 3.004 (2) of the statutes is amended to read:

1           3.004 (2) “Ward” means a ward prescribed by a municipality based upon  
2 municipal boundaries in effect on April 1 of the year of the federal decennial census  
3 in accordance with the most recent revision of municipal wards under s. 5.15 upon  
4 ~~which the districting plan described under subch. II is based~~ and used in preparing  
5 congressional and legislative redistricting plans as required under s. 4.005.

6           **SECTION 4.** Subchapter I of chapter 4 [precedes 4.001] of the statutes is repealed  
7 and recreated to read:

8                                   **CHAPTER 4**

9                                   SUBCHAPTER I

10                           GENERAL PROVISIONS

11                           AND REDISTRICTING

12           **4.001 Definitions.** In this chapter, unless the context requires otherwise:

13           (1) “Block” has the meaning given in s. 5.02 (1q).

14           (2) “Commission” means the redistricting advisory commission established  
15 under s. 13.49.

16           (3) “Plan” means a plan for legislative and congressional reapportionment  
17 prepared under this subchapter.

18           (4) “Political subdivision” means a city, town, village, or county within this  
19 state.

20           (5) “Section 2 of the Voting Rights Act” means 52 USC 10301.

21           (6) “Ward” means a municipal ward in effect on April 1 of the year of the federal  
22 decennial census and used in preparing congressional and legislative redistricting  
23 plans as required under s. 4.005.

1           **4.002 Political subdivision boundaries.** In this chapter, reference to any  
2 political subdivision means that political subdivision as its boundaries exist on April  
3 1 of the year of the federal decennial census.

4           **4.003 Legislative districts established.** This state is divided into 33 senate  
5 districts, each composed of 3 assembly districts. Each senate district may elect one  
6 member of the senate. Each assembly district may elect one representative to the  
7 assembly.

8           **4.004 Preparations for redistricting. (1)** The legislative reference bureau  
9 shall acquire appropriate information, review and evaluate available facilities, and  
10 develop programs and procedures in preparation for drawing congressional and  
11 legislative redistricting plans on the basis of each federal decennial census.

12           **(2)** By December 1 of the year of the decennial federal census, the legislative  
13 reference bureau shall obtain from the U.S. bureau of the census information  
14 regarding geographic and political units in this state for which federal census  
15 population data has been gathered and will be tabulated. The legislative reference  
16 bureau shall use the information to do all of the following:

17           (a) Prepare necessary descriptions of geographic and political units for which  
18 census data will be reported and that are suitable for use as components of legislative  
19 districts.

20           (b) Prepare maps of geographic and political units within the state which may  
21 be used to illustrate the locations of district boundaries proposed in plans prepared  
22 in accordance with s. 4.007.

23           **(3)** As soon as possible after receiving from the U.S. bureau of the census the  
24 population data needed for legislative redistricting that the U.S. bureau of the  
25 census is required to provide this state under P.L. 94-171, the legislative reference

1 bureau shall use that data to assign a population figure based upon certified federal  
2 census data to each geographic or political unit described under sub. (2) (b). The  
3 legislative reference bureau shall prepare and publish an analysis describing the  
4 population of current legislative and congressional districts and the extent to which  
5 the districts may violate the standards under s. 4.007. Upon satisfying these  
6 requirements, the legislative reference bureau shall begin the preparation of  
7 congressional and legislative redistricting plans as required under s. 4.006.

8 (4) None of the 4 selecting authorities, as defined in s. 13.49 (1) (b), may assign  
9 or hire any person to work with the legislative reference bureau to prepare for  
10 redistricting under this section, to prepare plans under s. 4.006, or to oversee either  
11 process.

12 **4.005 Use of municipal ward plans.** After receipt of a division ordinance or  
13 resolution under s. 5.15 (4) (b), the legislative reference bureau shall use the data  
14 obtained from the U.S. bureau of the census under s. 4.004 (3) to assign a population  
15 figure based upon certified federal census data to each ward established in the  
16 division ordinance or resolution. The legislative reference bureau shall use each  
17 ward to which a population figure is assigned in preparing congressional and  
18 legislative redistricting plans as required under s. 4.006.

19 **4.006 Preparation of redistricting plans.** (1) Not later than January 1 of  
20 the 2nd year following the decennial federal census, the legislative reference bureau  
21 shall deliver to the majority leader of the senate and speaker of the assembly  
22 identical bills creating plans of legislative and congressional redistricting, prepared  
23 in accordance with s. 4.007. Either the assembly or the senate shall bring the bill to  
24 a vote expeditiously, but not less than 7 days after the commission report under s.  
25 13.49 (3) (c) 2. is received and made available to the members of the legislature. The

1 vote shall be under a procedure or rule permitting no amendments except those of  
2 a purely corrective nature. If the bill is approved by the first house in which it is  
3 considered, the bill shall expeditiously be brought to a vote in the 2nd house under  
4 a similar procedure or rule.

5 (2) If neither of the bills delivered by the legislative reference bureau under  
6 sub. (1) is approved by both the assembly and the senate, the chief clerk of the house  
7 that failed to approve the bill shall immediately transmit to the legislative reference  
8 bureau information that the house may direct regarding reasons why the plan was  
9 not approved. The legislative reference bureau shall prepare identical bills  
10 embodying a 2nd plan of legislative and congressional redistricting prepared in  
11 accordance with s. 4.007, taking into account the reasons transmitted to the  
12 legislative reference bureau under this subsection insofar as it is possible to do so  
13 within the requirements of s. 4.007. The legislative reference bureau shall deliver  
14 the bills to the majority leader of the senate and the speaker of the assembly no later  
15 than 21 days after the date of the vote by which the senate or the assembly failed to  
16 approve the bill submitted under sub. (1). Any bill delivered by the legislative  
17 reference bureau under this subsection shall be expeditiously introduced and  
18 brought to a vote not less than 7 days after the date of introduction, in the same  
19 manner as prescribed for the bill required under sub. (1).

20 (3) If neither of the bills delivered by the legislative reference bureau under  
21 sub. (2) is approved by both the assembly and the senate, the same procedure as  
22 prescribed by sub. (2) shall be followed. If a 3rd plan is required under this  
23 subsection, the legislative reference bureau shall deliver the bills to the majority  
24 leader of the senate and the speaker of the assembly no later than 21 days after the  
25 date of the vote by which the senate or the assembly failed to approve the bill



1 submitted under sub. (2). Any bill delivered by the legislative reference bureau  
2 under this subsection shall be expeditiously introduced and brought to a vote not less  
3 than 7 days after the date of introduction and shall be subject to amendment in the  
4 same manner as other bills. Any bill delivered under this subsection, and any  
5 amendment to such a bill, may be passed only with the approval of three-fourths of  
6 all the members elected in each house.

7 (4) Notwithstanding subs. (1) to (3):

8 (a) If certified federal census data that is sufficient to permit preparation of a  
9 congressional redistricting plan becomes available at an earlier time than the  
10 population data needed to permit preparation of a legislative redistricting plan in  
11 accordance with s. 4.007, the legislative reference bureau shall so inform the  
12 majority leader of the senate and the speaker of the assembly. If the majority leader  
13 of the senate and the speaker of the assembly jointly direct, the legislative reference  
14 bureau shall prepare a separate bill establishing congressional districts and deliver  
15 it separately from the bill establishing legislative districts. The legislature shall  
16 proceed to consider the congressional redistricting bill in substantially the manner  
17 prescribed by subs. (1) to (3).

18 (b) If the population data for legislative redistricting that the U.S. bureau of  
19 the census is required to provide this state under P.L. 94-171 and, if used by the  
20 legislative reference bureau, the corresponding topologically integrated geographic  
21 encoding and referencing data file for that population data are not available to the  
22 legislative reference bureau on or before April 1 of the first year following the  
23 decennial federal census, the deadlines set forth in this section shall be extended by  
24 a number of days equal to the number of days after April 1 of the first year following  
25 the decennial federal census that the population data and the topologically

1 integrated geographic encoding and referencing data file for legislative redistricting  
2 become available.

3 **4.007 Redistricting standards.** (1) Legislative and congressional districts  
4 shall be established on the basis of population requirements imposed under the  
5 Wisconsin Constitution and the U.S. Constitution and requirements imposed under  
6 Section 2 of the Voting Rights Act.

7 (2) Senate and assembly districts, respectively, shall satisfy the population  
8 standards established in this subsection. The quotient, obtained by dividing the sum  
9 of the absolute values of the deviations of all district populations from the applicable  
10 ideal district population by the number of districts established, may not exceed 1  
11 percent of the applicable ideal district population, unless necessary to maintain  
12 compliance with Section 2 of the Voting Rights Act. For purposes of this subsection,  
13 the ideal district population is determined by dividing the population of the state  
14 reported in the most recent federal decennial census by the number of districts to be  
15 established. No senate district may have a population that exceeds that of any other  
16 senate district by more than 10 percent and no assembly district may have a  
17 population that exceeds that of any other assembly district by more than 10 percent,  
18 unless necessary to maintain compliance with Section 2 of the Voting Rights Act.

19 (3) Congressional districts shall each have a population as nearly equal as  
20 practicable to the ideal district population, derived as prescribed in sub. (2), while  
21 maintaining compliance with Section 2 of the Voting Rights Act. No congressional  
22 district may have a population which varies by more than 1 percent from the  
23 applicable ideal district population, unless necessary to comply with Section 2 of the  
24 Voting Rights Act.

1 (4) District boundaries shall coincide with ward boundaries and, to the extent  
2 consistent with sub. (1), shall coincide with the boundaries of political subdivisions.  
3 The number of political subdivisions divided among more than one district shall be  
4 as small as possible. When there is a choice among political subdivisions to divide,  
5 the more populous political subdivisions shall be divided before the less populous,  
6 except that this requirement does not apply to a legislative district boundary drawn  
7 along a county boundary which passes through a city with territory in more than one  
8 county.

9 (5) Districts shall be composed of convenient contiguous territory. Areas which  
10 meet only at the points of adjoining corners are not contiguous.

11 (6) (a) In this subsection:

12 1. "Geographic unit center" means that point within a population data unit  
13 approximately equidistant from the northern and southern extremities and also  
14 approximately equidistant from the eastern and western extremities of the  
15 population data unit. This point shall be determined by visual observation of a map  
16 of the population data unit, unless it is otherwise determined within the context of  
17 an appropriate coordinate system developed by the federal government or another  
18 source that the legislative reference bureau determines is qualified and objective and  
19 is obtained for use in this state with prior approval of the joint committee on  
20 legislative organization.

21 2. "Population data unit" means a ward, census enumeration district, block, or  
22 other unit of territory having clearly identified geographic boundaries and for which  
23 a total population figure is included in or can be derived directly from certified  
24 federal census data.

Insert  
9-10  
x

1           3. "X-coordinate" means the relative location of a point along the east-west  
2 axis of the state. Unless otherwise measured within the context of an appropriate  
3 coordinate system obtained for use as permitted by subd. 1., the x-coordinate shall  
4 be measured along a line drawn due east from a due north and south line running  
5 through the point which is the western extremity of this state, to the point to be  
6 located.

7           4. "Y-coordinate" means the relative location of a point along the north-south  
8 axis of the state. Unless otherwise measured within the context of an appropriate  
9 coordinate system obtained for use as permitted by subd. 1., the y-coordinate shall  
10 be measured along a line drawn due south from a due east and west line running  
11 through the point which is the northern extremity of this state, to the point to be  
12 located.

13           (b) To the extent consistent with subs. (1) to (3), districts shall be compact in  
14 form. Compact districts are those which are square, rectangular, or hexagonal in  
15 shape to the extent permitted by natural or political boundaries. When it is  
16 necessary to compare the relative compactness of 2 or more districts, or of 2 or more  
17 alternative redistricting plans, the tests prescribed by pars. (c) and (d) shall be used.  
18 Should the results of these 2 tests be contradictory, the standard under par. (c) shall  
19 be given greater weight than the standard under par. (d).

20           (c) 1. The compactness of a district is greatest when the length of the district  
21 and the width of the district are equal. The measure of a district's compactness is  
22 the absolute value of the difference between the length and the width of the district.

23           2. In measuring the compactness of a district by means of electronic data  
24 processing, the difference between the x-coordinates of the easternmost and the  
25 westernmost geographic unit centers included in the district shall be compared to the

1 difference between the y-coordinates of the northernmost and southernmost  
2 geographic unit centers included in the district.

3 3. To determine the length and width of a district by manual measurement, the  
4 distance from the northernmost point or portion of the boundary of a district to the  
5 southernmost point or portion of the boundary of the same district and the distance  
6 from the westernmost point or portion of the boundary of the district to the  
7 easternmost point or portion of the boundary of the same district shall each be  
8 measured. If the northernmost or southernmost portion of the boundary, or each of  
9 these points, is a part of the boundary running due east and west, the line used to  
10 make the measurement required by this subdivision shall be drawn either due north  
11 and south or as nearly so as the configuration of the district permits. If the  
12 easternmost or westernmost portion of the boundary, or each of these points, is a part  
13 of the boundary running due north and south, a similar procedure shall be followed.  
14 The lines to be measured for the purpose of this subdivision shall each be drawn as  
15 required by this subdivision, even if some part of either or both lines lies outside the  
16 boundaries of the district which is being tested for compactness.

17 4. The absolute values computed for individual districts under this paragraph  
18 may be cumulated for all districts in a plan in order to compare the overall  
19 compactness of 2 or more alternative redistricting plans for the state or for a portion  
20 of the state. However, it is not valid to cumulate or compare absolute values  
21 computed using the measurements under subd. 2. with those computed using the  
22 measurements under subd. 3.

23 (d) 1. The compactness of a district is greatest when the ratio of the dispersion  
24 of population about the population center of the district to the dispersion of  
25 population about the geographic center of the district is one to one.

1           2. The population dispersion about the population center of a district or about  
2 the geographic center of a district is computed as the sum of the products of the  
3 population of each population data unit included in the district multiplied by the  
4 square of the distance from the geographic unit center of that population data unit  
5 to the population center or the geographic center of the district, as the case may be.  
6 The geographic center of the district is defined by averaging the locations of all  
7 geographic unit centers which are included in the district. The population center of  
8 the district is defined by computing the population-weighted average of the  
9 x-coordinates and y-coordinates of each geographic unit center assigned to the  
10 district, it being assumed for the purpose of this calculation that each population  
11 data unit possesses uniform density of population.

12           3. The ratios computed for individual districts under this paragraph may be  
13 averaged for all districts in a plan in order to compare the overall compactness of 2  
14 or more alternative redistricting plans for the state or for a portion of the state.

X 15           (7) In preparing any redistricting plan, the legislative reference bureau shall  
16 be strictly nonpartisan. No district may be drawn for the purpose of favoring a  
17 political party, incumbent legislator or member of Congress, or other person or group  
18 or, except to the extent required under sub. (1), for the purpose of augmenting or  
19 diluting the voting strength of a language or racial minority group. In establishing  
20 districts, no use shall be made of any of the following data:

21           (a) The residence addresses of incumbent legislators or members of Congress.

22           (b) Political affiliations of registered voters.

23           (c) Previous election results.

24           (d) Demographic information except as necessary to meet the requirements of

25 sub. (1).

*except that election results may be used to test the efficiency gap and fairness of any proposed plan*

X 1 (8) The number of assembly districts in any redistricting plan may not be less  
2 than 54 nor more than 100. The number of senate districts in any redistricting plan  
3 may not be more than one-third nor less than one-fourth of the number of assembly  
4 districts. Each senate district shall contain only whole assembly districts. Except  
5 as otherwise provided in this subsection, to the extent possible, each congressional  
6 district shall contain only whole senate districts. The other standards specified in  
7 this section shall take precedence where a conflict arises between those standards  
8 and the requirement of including only whole senate districts within a congressional  
9 district.

10 **4.008 Required provisions in redistricting bills.** Each bill delivered under  
11 s. 4.006 shall provide all of the following:

12 (1) That, wherever territory is described in the bill by geographic boundaries,  
13 the following conventions are used:

14 (a) Each bound continues to the intersection with the bound next named, or to  
15 the intersection with a straight-line extension of such bound.

16 (b) If the bound is a street, it follows the center line of the street or the center  
17 line of the street extended.

18 (c) If the bound is a railroad right-of-way, it follows the center line of the  
19 railroad right-of-way.

20 (d) If the bound is a river or stream, it follows the center of the main channel  
21 of such river or stream.

22 (e) If the bound follows a municipal boundary, it coincides with such boundary.

23 (2) That the bill first applies, with respect to regular elections, to offices filled  
24 at the next occurring general election after the bill takes effect and, with respect to

1 special or recall elections, to offices filled or contested on or after the date of that  
2 general election.

3 **4.0085 Challenge based on population inequality; burden of proof.** If  
4 an action is brought challenging a legislative redistricting plan under this  
5 subchapter on the basis of an excessive population variance among senate or  
6 assembly districts established in the plan, the legislature has the burden of  
7 justifying any variance in excess of 10 percent between the population of a senate or  
8 assembly district and the applicable ideal district population. If an action is brought  
9 challenging a congressional redistricting plan under this subchapter on the basis of  
10 an excessive population variance among congressional districts established in the  
11 plan, the legislature has the burden of justifying any variance in excess of 1 percent  
12 between the population of a congressional district and the applicable ideal district  
13 population.

14 **SECTION 5.** 5.15 (4) (a) of the statutes is amended to read:

15 5.15 (4) (a) Except as provided in par. (c), the division ordinance or resolution  
16 shall number all wards in the municipality with unique whole numbers in  
17 consecutive order, beginning with the number one, shall designate the polling place  
18 for each ward, and shall describe the boundaries of each ward consistent with the  
19 conventions set forth in s. ~~4.003~~ 4.008 (1). The ordinance or resolution shall be  
20 accompanied by a list of the block numbers used by the U.S. bureau of the census that  
21 are wholly or partly contained within each ward, with any block numbers partly  
22 contained within a ward identified, and a map of the municipality which illustrates  
23 the revised ward boundaries. If the legislature, in an act redistricting legislative  
24 districts under article IV, section 3, of the constitution, or in redistricting  
25 congressional districts, establishes a district boundary within a municipality that



1 does not coincide with the boundary of a ward established under the ordinance or  
2 resolution of the municipality, the municipal governing body shall, no later than  
3 April 10 of the 2nd year following the year of the federal decennial census on which  
4 the act is based, amend the ordinance or resolution to the extent required to effect  
5 the act. The amended ordinance or resolution shall designate the polling place for  
6 any ward that is created to effect the legislative act. Nothing in this paragraph shall  
7 be construed to compel a county or city to alter or redraw supervisory or aldermanic  
8 districts.

9 **SECTION 6.** 13.49 of the statutes is created to read:

10 **13.49 Redistricting advisory commission. (1) DEFINITIONS.** In this section:

11 (a) "Chief election officer" means the elections commission administrator.

12 (b) "Four selecting authorities" means all of the following:

13 1. The majority leader of the senate.

14 2. The minority leader of the senate.

15 3. The speaker of the assembly.

16 4. The minority leader of the assembly.

17 (c) "Partisan public office" means any of the following:

18 1. The office of governor, lieutenant governor, secretary of state, state treasurer,  
19 attorney general, state senator, or state representative to the assembly.

20 2. A county office that is filled by an election process involving nomination and  
21 election of candidates on a partisan basis.

22 (d) "Political party office" means an elective office in a political party, as defined  
23 in s. 11.0101 (26), or in a national political party.

24 (e) "Relative" means an individual who is related to the person in question as  
25 father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece,

1 husband, wife, grandfather, grandmother, father-in-law, mother-in-law,  
2 son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather,  
3 stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half  
4 sister.

5 (2) GENERAL PROVISIONS. (a) Not later than February 15 of the first year  
6 following the decennial federal census, a temporary redistricting advisory  
7 commission is created consisting of 5 members. Each of the 4 selecting authorities  
8 shall certify to the chief election officer the selecting authority's appointment of a  
9 person to serve on the commission. Within 30 days after the last selecting authority  
10 has certified his or her appointment, but not later than February 15 of the first year  
11 following the decennial federal census, the 4 commission members so appointed shall  
12 select, by a vote of at least 3 members, and certify to the chief election officer the 5th  
13 commission member, who shall serve as chairperson.

14 (b) No individual may be appointed to the redistricting advisory commission  
15 who satisfies any of the following:

16 1. The individual is not an eligible elector of this state at the time of the  
17 appointment.

18 2. The individual holds partisan public office or political party office.

19 3. The individual is a relative of or is employed by a member of the legislature  
20 or of Congress or is employed directly by the legislature or Congress.

21 (c) Members of the redistricting advisory commission appointed by a selecting  
22 authority shall be reimbursed from the appropriation account under s. 20.765 (1) (a)  
23 or (b), depending upon the house in which that member's appointing authority holds  
24 office, for actual and necessary expenses incurred in performance of duties as a  
25 commission member. The member who is not appointed by a selecting authority

1 shall be reimbursed from the appropriation under s. 20.765 (1) (a) for actual and  
2 necessary expenses incurred in performance of duties as a commission member.

3 (d) A vacancy on the redistricting advisory commission shall be filled as  
4 provided in s. 17.20 (1) within 15 days after the vacancy occurs.

5 (e) Each redistricting advisory commission terminates upon complying with  
6 sub. (3).

7 (3) DUTIES. The redistricting advisory commission shall do all of the following:

8 (a) If requested to do so by the legislative reference bureau, provide direction  
9 to the legislative reference bureau concerning any decision the legislative reference  
10 bureau must make in preparing a redistricting plan under subch. I of ch. 4 for which  
11 no clearly applicable guideline is provided under s. 4.007.

Insert  
17-11

12 (b) Upon delivery by the legislative reference bureau of a bill embodying a  
13 redistricting plan as required under s. 4.006, make available to the public at the  
14 earliest feasible time all of the following information:

XXX

- 15 1. Copies of the bill.
- 16 2. Maps illustrating the plan.
- 17 3. A summary of the standards prescribed under s. 4.007 for development of the
- 18 plan.
- 19 4. A statement of the population of each district included in the plan and the
- 20 relative deviation of each district population from the ideal district population.

21 (c) Upon delivery by the legislative reference bureau of an initial bill embodying  
22 a redistricting plan as required under s. 4.006 (1), do all of the following:

XXX (21)

- 23 1. As expeditiously as reasonably possible, schedule and conduct public
- 24 hearings, in different geographic regions of the state, on the plan embodied in the
- 25 bill. No more than one public hearing may be held in the city of Madison, and at least

1 one public hearing shall be held in each congressional district of the state. The  
2 commission shall hold public hearings on weekends whenever it is practicable.

3 2. Following the hearings held under subd. 1., promptly prepare and submit  
4 to the legislature in the manner provided under s. 13.172 (2) a report summarizing  
5 information and testimony received by the commission in the course of the hearings.  
6 The report may include any comments and conclusions that the commission's  
7 members deem appropriate concerning the information and testimony received at  
8 the hearings or otherwise presented to the commission. The report shall be treated  
9 in the same manner as a report submitted under s. 13.172 (2).

10 (4) CONFIDENTIALITY. (a) Except as provided in par. (b), the redistricting  
11 advisory commission may establish policies limiting the information that the  
12 legislative reference bureau may provide to persons outside of the bureau staff  
13 concerning any redistricting plan prepared under subch. I of ch. 4.

14 (b) Any policy established under par. (a) does not apply to a redistricting plan  
15 after a bill embodying that plan is delivered by the legislative reference bureau as  
16 required under s. 4.006 or to population data furnished to the legislative reference  
17 bureau by the U.S. bureau of the census. Notwithstanding s. 13.92 (1) (c), any draft  
18 maps, along with the data sets used to create them, that are produced by the  
19 legislative reference bureau in the course of its work in preparing a bill under s. 4.006  
20 shall be open to public inspection and copying under s. 19.35 (1) and made available  
21 on the Internet site of the legislative reference bureau as soon as they are produced.

22 **SECTION 7.** 20.765 (3) (bd) of the statutes is created to read:

23 20.765 (3) (bd) *Legislative reference bureau; redistricting.* For the legislative  
24 reference bureau, biennially, the amounts in the schedule for redistricting  
25 operations under subch. I of ch. 4.



**Insert 9 - 10**

1           **(6)** Districts shall not be drawn with the intent or result of denying or abridging  
2 the equal opportunity of racial or language minorities to participate in the political  
3 process or diminishing their ability to elect representatives of their choice, whether  
4 by themselves or by voting in concert with other persons.

**Insert 17 - 11**

5           (b) Oversee the work of legislative reference bureau employees engaged in  
6 preparing a redistricting plan under subch. I of ch. 4 ~~and~~ may enter into contracts  
7 for hiring experts to assist in the preparing of such plans. The commission may enter  
8 into a contract to retain experts for preparing a redistricting plan only with the  
9 approval of three-fourths of the members of the commission and may terminate a  
10 contract employee only with the approval of three-fourths of the members of the  
11 commission.

