

(2) The repeal of section 227.01 (11) (h) of the statutes by this act takes effect January 1, 1982.

1981 Senate Bill 9

Date published: March 2, 1981

CHAPTER 3 , Laws of 1981

AN ACT to create 443.10 (3) of the statutes, relating to restricting the method of adoption of certain rules by the examining board of architects, professional engineers, designers and land surveyors.

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

SECTION 1. 443.10 (3) of the statutes is created to read:

443.10 (3) EMERGENCY RULES; LIMITATION. The examining board may not adopt or change, by emergency rule, any requirement for the registration of or issuance of a permit to any applicant under this chapter.

1981 Assembly Bill 7

Date published: March 2, 1981

CHAPTER 4 , Laws of 1981

AN ACT to renumber 5.15 (1) (b) and (2) (a) to (c); to renumber and amend 5.15 (intro.), (1) (a) and (2) (intro.), (d) and (e); to amend 5.15 (3), (4) (a) and (6) (b), 5.18 (1), 5.35 (3), 5.55, 7.51 (3) (c) and (5) and 7.60 (5) and 62.08 (1); to repeal and recreate 59.03 (2) (a) and (3) (b); and to create 5.02 (1q) and (4s) and 5.15 (2) (b) 5 to 7 and (d) to (f) of the statutes, relating to municipal subdistricting into wards and creation of aldermanic and county supervisory districts.

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

SECTION 1. 5.02 (1q) and (4s) of the statutes are created to read:

5.02 (1q) "Block" means an area bounded by 4 streets or some other physical feature, which is the smallest geographic area used by the U.S. bureau of the census for data collection and tabulation.

(4s) "Enumeration district" means the basic statistical area used by the U.S. bureau of the census for data collection and tabulation in areas where the U.S. bureau of the census does not prepare block statistics.

SECTION 2. 5.15 (intro.) and (1) (a) of the statutes are renumbered 5.15 (1) (a) and (b), respectively, and amended to read:

5.15 (1) (a) Every city, village or town in this state shall by its common council or village or town board, respectively, be divided into wards as further provided in this section if, ~~according to the final published results of the most recent federal decennial census of population, the municipality contained a total population of 1,000 or more, except as~~

authorized in sub. (2). The boundaries of the wards established under this section, and the number assigned to each ward, are intended to be as permanent as possible, and to this end each ward shall when created contain a population at a convenient point within the applicable population range under sub. (2), with due consideration for the known trends of population increase or decrease within that part of the municipality in which the ward is located. Once established, the boundaries of each ward shall remain unchanged until a further decennial federal census of population indicates that the population of a ward is then above or below the applicable population range. If the population of a ward has increased above the maximum of its population range, such ward shall be divided into 2 or more wards in compliance with sub. (2). If the population of a ward has decreased below the minimum of its population range such ward shall, if possible, be combined with an adjoining ward, or the underpopulated ward and one adjoining ward shall be combined and together subdivided into 2 or more wards in compliance with sub. (2). For the purpose of sub. (2), "population" means the population by ~~census~~ enumeration district or ~~urban~~ block established in the most recent federal decennial census of population.

(b) ~~Within 90~~ Except as authorized in sub. (2) (a), within 60 days after the population count by rural enumeration district or urban city block, established in the decennial federal census of population, becomes available in printed form from the federal government or is published for distribution by an agency of this state receipt of a tentative supervisory district plan and written statement, if any, from the county board of each county in which a municipality is located, the governing body of ~~every~~ the municipality with a population of 1,000 or more shall adjust its wards according to the schedule shown in sub. (2). ~~Each~~ Except as authorized in sub. (2), each ward shall consist of whole census enumeration districts or, where block statistics are available for urban blocks, of whole urban blocks. To suit the convenience of the voters residing therein each ward shall, as far as practicable, be kept compact and observe the community of interest of existing neighborhoods and other settlements. The division of a municipality into wards shall be made by the common council for each city, by the village board for each village, and by the town board for each town. In dividing the municipality into wards, the governing body shall give consideration to the tentative plan submitted by the county board of the county or counties in which it is located under s. 59.03 (2) (a) or (3) (b) 1. Passage of a division ~~order~~ ordinance or resolution requires the affirmative vote of a majority of the members of the respective governing body.

SECTION 3. 5.15 (1) (b) of the statutes is renumbered 5.15 (1) (c).

SECTION 4. 5.15 (2) (intro.) of the statutes is renumbered 5.15 (2) (c) and amended to read:

5.15 (2) (c) If the population of a ~~rural enumeration district or urban~~ block exceeds the maximum population for a ward otherwise specified in this subsection, such ~~enumeration district or~~ block shall be constituted a ward by itself. If the population of an enumeration district exceeds the maximum population for a ward specified in this subsection, the enumeration district may be constituted a ward by itself, unless otherwise required in par. (d).

SECTION 5. 5.15 (2) (a) to (c) of the statutes are renumbered 5.15 (2) (b) 1 to 3, respectively.

SECTION 6. 5.15 (2) (d) of the statutes is renumbered 5.15 (2) (b) 4 and amended to read:

5.15 (2) (b) 4. In any city, village or town in which the population is ~~at least 1,000 but~~ less than 10,000, each ward shall contain not less than 300 nor more than 1,000 inhabitants.

SECTION 7. 5.15 (2) (b) 5 to 7 and (d) of the statutes are created to read:

5.15 (2) (b) 5. Any city electing the members of its common council from aldermanic districts and whose total population according to the most recent federal decennial census of population is reported as a single enumeration district shall divide itself into wards of substantially equal population and such wards shall each constitute an aldermanic district.

6. Any other city electing the members of its common council from aldermanic districts for which the population data according to the most recent federal census of population is not reported by block statistics shall divide the enumeration districts wholly or partially contained within the city into wards that will enable the creation of aldermanic districts that are substantially equal in population.

7. Any division of enumeration districts in this section shall be based on the best evidence available. In this subdivision, "best evidence" includes, but is not limited to, information received from the U.S. bureau of the census and such data as number of housing units, utility connections and vehicle registrations or a special census conducted locally. For each ward so established, the population estimate shall be correlated with the results of the most recent federal decennial census, so that the total population reported for all wards in the municipality agrees with the census result.

(d) Every municipality shall make a good faith effort to accommodate the tentative plan submitted by the county or counties in which it is located under s. 59.03 (2) (a) or (3) (b) 1, and shall divide itself into wards in such a manner that will permit the creation of county supervisory districts in accordance with the population requirements for the plan specified in s. 59.03 (2) (a) or (3) (b) 1. If the use of whole enumeration districts prevents the establishment of county supervisory districts in accordance with the tentative plan, the municipality shall cooperate with the county or counties in which it is located to divide itself into wards which will permit the creation of supervisory districts in accordance with the population requirements for the plan specified in s. 59.03 (2) (a) or (3) (b) 1. Each division of an enumeration district shall be based on the best evidence available, as defined in par. (b) 7.

SECTION 8. 5.15 (2) (e) of the statutes is renumbered 5.15 (2) (a) and amended to read:

5.15 (2) (a) No city electing its common council at large in which the total population is less than 1,000, and no village or town in which the total population according to the most recent federal decennial census of population is less than 1,000 is required to be divided into wards under this subsection, but any such city, village or town may divide itself into wards if the creation of wards facilitates the administration of elections and for this purpose may estimate resident population according to the best evidence as provided in par. (b) 7. No village or town located in a county having only one town is required to be divided into wards under this subsection.

SECTION 9. 5.15 (2) (e) and (f) of the statutes are created to read:

5.15 (2) (e) Any city with population statistics reported by blocks shall divide itself into wards that will enable the creation of aldermanic districts that are substantially equal in population and that will assist the county in creating supervisory districts in accordance with the population requirements for the plan specified in s. 59.03 (2) (a) or (3) (b).

(f) Notwithstanding par. (b), any city, village or town may establish a ward below the prescribed minimum population for the applicable range, and for this purpose, may estimate resident population according to the best evidence as authorized in par. (b) 7, whenever the proposed ward contains solely:

1. That part of a city or village situated in a county other than the county in which the major part of the municipality is located.

2. That part of a city, village or town belonging to a school district other than the school district to which the major part of the municipality belongs.

3. Island territory containing a resident population. In this subdivision, "island territory" means territory surrounded by water, or noncontiguous territory which is separated by the territory of another municipality or by water, or both, from the major part of the municipality to which it belongs.

4. New territory annexed by a city or village after the adoption of a decennial ward plan.

5. Any ward established under par. (a), (b) 5 or 6 or (d).

SECTION 10. 5.15 (3), (4) (a) and (6) (b) of the statutes are amended to read:

5.15 (3) If any municipality fails to comply with this section, the county in which the municipality is located or any voter elector residing in the municipality may submit to the circuit court for the municipality within 2 weeks 14 days from the expiration of the 90-day 60-day period under this section sub. (1) (b) a proposed plan for the division of the municipality into wards in compliance with this section. If the circuit court finds that the existing division of the municipality into wards fails to comply with this section, it shall review the plan submitted by the petitioner and may promulgate it, or any other plan in compliance with this section, as a temporary ward plan for the affected municipality to remain in effect until superseded by a ward plan adopted by the governing body in compliance with this section.

(4) (a) The division ~~order~~ ordinance or resolution shall number all wards in the municipality in consecutive order, designate the polling place for each ward, and describe the boundaries of each ward consistent with the conventions set forth in s. 4.002.

(6) (b) No later than 60 days before an election the governing body of any municipality may by resolution combine 2 or more wards for voting purposes to facilitate using a common polling place, ~~but the wards so combined shall retain their separate identities.~~ Every municipality having a population of 35,000 or more shall maintain separate ballot boxes and ballots or voting machines and separate returns for each ward so combined. In municipalities having a population of less than 35,000, the governing body may provide in the resolution that one or more wards shall use common ballot boxes and ballots or voting machines and that separate returns shall not be maintained for the combined wards at any election, but separate ballot boxes and ballots shall be maintained for each separate ballot required under ss. 5.58 to 5.64, and separate voting machines shall be maintained for any electors of one or more of the combined wards who are ineligible to vote for any office or referendum for which other electors in the combined wards may vote. A copy of the resolution shall be filed in the same manner as for changes or adjustments in ward boundaries under sub. (4) (b). The resolution shall remain in effect for each election until modified or rescinded, or until a new division is made following the next census.

SECTION 11. 5.18 (1) of the statutes is amended to read:

5.18 (1) When division into wards becomes imperative under s. 5.15 and the governing body obliged to act fails or refuses to do so, the county in which the municipality is located or any elector of the municipality may apply to the proper circuit court or its presiding judge for an order compelling division. After reasonable notice to the governing body proceeded against, the court or judge may order division when it appears necessary.

SECTION 12. 5.35 (3) of the statutes is amended to read:

5.35 (3) **BALLOT BOXES.** Where the voting procedure makes it necessary, there shall be a separate ballot box for each form of ballot at each polling place. There shall be a suitable lock and key for each, and an opening no larger than is sufficient to receive a single ballot or a single folded ballot if the box is used for deposit of paper ballots. If the electors of more than one ward use the same polling place, there shall be separate ballot boxes provided for the electors of each ward, unless combined ballot boxes are authorized in accordance with s. 5.15 (6) (b).

SECTION 13. 5.55 of the statutes is amended to read:

5.55 Ballot identification. On every ballot, except a ballot label or voting machine ballot, shall be printed "Official Ballot" or "Official Ballot for" followed by the designation of the polling place for which the ballot has been prepared, the date of the election, and the official endorsement and blank certificates. The number of the ward or wards or aldermanic district, if any, and the name of the municipality may be omitted in printing and stamped or written on the ballots at any location which is clearly visible at the option of the county clerk. Printed information and initials shall appear on the back and outside of the ballot. When a ballot card is employed with an electronic voting system, the date of the election may be printed or stamped on the back of the ballot card in such a manner that the card is not reusable, at the option of the county clerk. Each ballot shall be prepared in substantially the following form:

OFFICIAL BALLOT
FOR

.... Ward (Wards) (if any), Aldermanic district (if any),
City (Village or town) of,
.... 19...

....
....
Ballot Clerks

Absent Elector's Ballot issued by
.... Municipal Clerk

[I] [We] certify that the within ballot was marked by [me] [us] for an elector incapable under the law of marking the ballot and as directed by the elector.
.... (Signature of assisting elector)
.... (Signature of official)
.... (Title)
.... (Signature of official)
.... (Title)

I certify that the within ballot was marked by me at the request of an absentee elector incapable under the law of marking the ballot and as directed by the elector.
.... (Signature of officer authorized to administer oaths)
.... (Title)

SECTION 14. 7.51 (3) (c) and (5) of the statutes are amended to read:

7.51 (3) (c) Where voting machines are used, as soon as the count is complete and fully recorded, the inspectors shall seal, close and lock the machine, or remove the record so it cannot be voted on or tampered with. They shall then proceed to separately canvass and return as for paper ballots, any write-in votes, absentee ballots or challenged ballots which shall be designated irregular ballots. Challenged ballots shall be counted the same as other ballots. Upon completion of the canvass, the inspectors shall return them in a properly sealed container ~~indorsed~~ endorsed "Irregular Ballots" indicating the ward or wards and county. The irregular ballots along with any tally sheets taken from the machines shall be returned to the proper clerk.

(5) RETURNS. The inspectors shall make full and accurate return of the votes cast for each candidate and proposition on blanks provided for the purpose. Each tally sheet shall record the returns for each office or referendum by ward, unless combined returns are

authorized in accordance with s. 5.15 (6) (b). After recording the votes, the inspectors shall seal one tally sheet statement and registration or poll list for delivery to the county clerk, unless the election relates only to municipal and school district offices or referenda. The inspectors shall also seal one tally sheet statement and registration or poll list for delivery to the municipal clerk. For school district elections in common, union high and unified school districts, the inspectors shall seal one tally sheet statement and registration or poll list for delivery to the school district clerk in lieu of the municipal clerk. The inspectors shall immediately deliver all ballots, statements, lists and envelopes to the municipal clerk or school district clerk, as appropriate. The municipal clerk shall deliver the ballots, statements, lists and envelopes for his or her municipality relating to any county, vocational district, state or national election to the county clerk by 2 p.m. on the day following each such election. The person delivering the returns shall be paid out of the municipal treasury.

SECTION 15. 7.60 (5) of the statutes is amended to read:

7.60 (5) REPORTING. Immediately following the canvass the county clerk shall send the elections board, by certified mail with return receipt requested, a certified copy of each statement of the county board of canvassers for president and vice president, state officials, senators and representatives in congress, state legislators, justice, court of appeals judge, circuit judge and metropolitan sewerage commissioners, if the commissioners are elected under s. 66.23 (11) (am). The statement shall record the returns for each office or referendum by ward, unless combined returns are authorized under s. 5.15 (6) (b). Following primaries the county clerk shall enclose on blanks furnished by the elections board the names, party or principle designation, if any, and number of votes received by each candidate ~~by voting wards or by municipalities if not divided into wards~~ recorded in the same manner. The county clerk shall transmit the certified statement to the elections board no later than 10 days after each primary and no later than 14 days after any other election. The board of canvassers shall transmit a certified copy of each statement for any vocational district referendum to the secretary of the district board of vocational, technical and adult education.

SECTION 16. 59.03 (2) (a) and (3) (b) of the statutes are repealed and recreated to read:

59.03 (2) (a) *Composition; supervisory districts.* Within 60 days after the population count by enumeration district or block, established in the decennial federal census of population, becomes available in printed form from the federal government or is published for distribution by an agency of this state, the board shall adopt and transmit to the governing body of each city and village in the county a tentative county supervisory district plan to be considered by the cities and villages when dividing into wards. The plan shall specify the number of supervisors to be elected and shall divide the county into a number of districts equal to the number of supervisors, with each district substantially equal in population. Except as otherwise provided in this paragraph, the board shall develop and adopt the tentative plan in accordance with sub. (3) (b) 1. The board shall adopt a final plan by ordinance in accordance with sub. (3) (b) 2 to 4.

(3) (b) *Creation of supervisory districts.* 1. Within 60 days after the population count by enumeration district or block, established in the decennial federal census of population, becomes available in printed form from the federal government or is published for distribution by an agency of this state, each board shall adopt and transmit to each municipal governing body in the county a tentative county supervisory district plan. The plan shall divide the county into districts. Each district shall be designated to be represented by one or 2 supervisors; however, no supervisory district for the election of 2 supervisors may include territory for which the U.S. bureau of the census has provided block statistics. All districts designated to be represented by one supervisor shall be substantially equal in population. All districts designated to be represented by 2 supervisors shall be substantially equal in population, which population shall be approximately twice

the population of each district in the county designated to be represented by one supervisor, if any. The board shall solicit suggestions from municipalities concerning development of an appropriate plan. In the tentative plan, the board shall, whenever possible, give first preference to placing whole contiguous municipalities or parts of the same municipality within the same district and 2nd preference to placing whole contiguous enumeration districts within the same district. In the event that a division of a municipality or enumeration district is sought by the board, the board shall provide with the plan a written statement to the municipality affected by each proposed division specifying the approximate location of the territory from which a ward is sought to be created for contiguity purposes and the approximate population of the ward proposed to effectuate the division.

2. Within 60 days after every municipality in the county adjusts its wards under s. 5.15, the board shall hold a public hearing and thereafter adopt a final supervisory district plan, numbering each district. Wards within each supervisory district created by the plan shall be contiguous, except that one or more wards located within a city or village which is wholly surrounded by another city or water, or both, may be combined with one or more noncontiguous wards, or one or more wards or portions thereof consisting of island territory as defined in s. 5.15 (2) (f) 3 may be combined with one or more noncontiguous wards or portions thereof within the same municipality, to form a supervisory district.

3. In this paragraph, a district which includes territory connected to other territory from corner to corner is contiguous.

4. The chairperson of the board shall file a certified copy of the final districting plan with the secretary of state.

SECTION 17. 62.08 (1) of the statutes is amended to read:

62.08 (1) Within ~~90~~ 60 days after the wards have been readjusted under s. 5.15 ~~(intro.) to (1) and (2)~~ the common council of every city, including any city of the first class, shall redistrict the boundaries of its aldermanic districts, by an ordinance introduced at a regular meeting of the council, published as a class 2 notice, under ch. 985, and thereafter adopted by a majority vote of all the members of the council, so that all aldermanic districts are as compact in area as possible and contain, as nearly as practicable by combining contiguous whole wards, an equal number of inhabitants according to the most recent decennial federal census of population.

SECTION 18. Change in terminology. Wherever the term "order" appears in the following section of the statutes, the term "ordinance" is substituted: 5.15 (4) (b), (6) (a) and (7).

SECTION 19. Cross-reference changes. In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
60.81 (2)	5.15 (intro.) to (2)	5.15 (1) and (2)
61.189 (1)	5.15 (intro.) to (2)	5.15 (1) and (2)
66.018 (1)	5.15 (intro.) to (2)	5.15 (1) and (2)