



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1256/P2
MPG:cde

DOA:.....Bork, BB0431 - Redistricting

FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau
LEGISLATURE

Congressional and legislative redistricting

Under the U.S. and Wisconsin Constitutions, the Wisconsin Legislature undertakes congressional and state assembly and senate redistricting after each federal decennial census. The most recent federal census was conducted beginning on April 1, 2020. This bill imposes all of the following requirements on the 2021-23 legislature concerning congressional and legislative redistricting:

1. The Legislative Reference Bureau must prepare bills that give effect to the congressional and legislative redistricting plans proposed by the People's Maps Commission, which Governor Evers created on January 27, 2020, under Executive Order 66. Executive Order 66 requires the commission to hold public hearings throughout the state and develop redistricting maps for consideration by the legislature. Once LRB has prepared the bills, LRB is required to deliver the bills to the governor for approval.

2. The governor then provides the bills to the Joint Committee on Legislative Organization, which is required to introduce the bills without change in each house of the legislature. The legislature must take final action on the bills no later than the 60th day after the bills are introduced. Additionally, this bill prohibits the legislature from taking action on any other redistricting legislation until after each house of the legislature votes on final passage of the commission's maps.

3. All records created or maintained by each house, committee, and member of the legislature that relate to congressional or legislative redistricting may not be destroyed until after December 31, 2030. Under current law, legislators' records need not be retained for a specified period of time.

4. All records created or maintained by each house, committee, and member of the legislature that relate to congressional or legislative redistricting are subject to public access under Wisconsin's open records law and may not be withheld from public access on the basis of any claim of confidentiality or privilege, except for records containing confidential attorney-client communications concerning a previously drafted congressional or legislative redistricting plan. Under current law, such records, depending on the circumstances, may be subject to statutory or common law confidentiality requirements or privileges, including the attorney-client privilege.

5. Each meeting related to congressional or legislative redistricting that includes at least two members of the legislature, members of the partisan staff of at least two legislative offices, a member of the legislature and nonpartisan legislative staff, or a member of the legislature and a person retained by the legislature to assist with congressional or legislative redistricting, must be preceded by public notice in the manner provided under Wisconsin's open meetings law and must be held in a place reasonably accessible to members of the public and open to all citizens at all times. Under current law, the open meetings law applies to meetings of government bodies. It does not apply to meetings between legislators and staff.

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

SECTION 9128. Nonstatutory provisions; Legislature.

(1) REDISTRICTING.

(a) *Definitions.* In this subsection:

1. "Commission" means the People's Maps Commission created by the governor on January 27, 2020, under executive order 66.

2. "Legislature" means the legislature instituted on January 5, 2021.

(b) *Preparation of legislation.* The legislative reference bureau shall prepare in proper form legislation that gives effect to the congressional redistricting plan proposed by the commission for consideration by the legislature and separate legislation that gives effect to the state assembly and senate redistricting plan

proposed by the commission for consideration by the legislature. The bureau shall deliver the legislation to the governor for approval.

(c) *Introduction, consideration, and vote.*

1. The governor shall deliver the bills prepared under par. (b) to the joint committee on legislative organization, which shall introduce the bills without change in each house of the legislature. The bills shall then be referred to the appropriate standing committees of each house.

2. The legislature shall take final action on either the assembly version or the senate version of the bills introduced under subd. 1. no later than the 60th day after the bill is introduced.

3. The legislature may not take action on congressional redistricting legislation not introduced under subd. 1. until after either the assembly version or the senate version of the congressional redistricting bill introduced under subd. 1. has been voted on by each house of the legislature.

4. The legislature may not take action on legislative redistricting legislation not introduced under subd. 1. until after either the assembly version or the senate version of the legislative redistricting bill introduced under subd. 1. has been voted on by each house of the legislature.

(d) *Public records.*

1. Notwithstanding s. 16.61 (2) (b) 1., all public records, as defined in s. 16.61 (2) (b), created or maintained by each house, committee, and member of the legislature that relate to congressional or legislative redistricting may not be destroyed until after December 31, 2030.

2. Notwithstanding ss. 13.91 to 13.96, 19.36 (1), and 905.03, all records, as defined in s. 19.32 (2), created or maintained by each house, committee, and member

of the legislature that relate to congressional or legislative redistricting are subject to inspection and copying under s. 19.35 and may not be withheld from public access on the basis of any claim of confidentiality or privilege, except for records containing communications that are privileged under s. 905.03 and that concern a previously drafted congressional or legislative redistricting plan.

(e) *Open meetings.* Notwithstanding ss. 13.91 to 13.96 and 905.03, each meeting related to congressional or legislative redistricting shall be preceded by public notice, as provided in s. 19.84, and shall be held in a place reasonably accessible to members of the public and open to all citizens at all times, if the meeting includes any of the following:

1. Two or more members of the legislature.
2. Members of the partisan staff of 2 or more legislative offices.
3. A member of the legislature and nonpartisan legislative staff.
4. A member of the legislature and a person retained by the legislature to assist with congressional or legislative redistricting.

(END)