



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2001 Senate Bill 63

**Senate Substitute
Amendment 1, as Amended by
Senate Amendment 1**

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Current law contains a number of statutory requirements and procedures for establishing new municipal ward boundaries, county supervisory and city aldermanic districts and Milwaukee school board election districts and treating municipal annexations in redistricting following the decennial census. Article IV, Section 3 of the Wisconsin Constitution vests authority in the Legislature to “apportion and district anew” the members of the Senate and Assembly, according to the number of inhabitants.

Senate Bill 63 makes a number of changes in current law. The Senate amended Senate Bill 63 by adopting Senate Substitute Amendment 1 (SSA 1) and Senate Amendment 1 to SSA 1, and passed the bill, as amended.

As passed by the Senate, Senate Bill 63:

1. Requires that municipalities establish wards that will permit creation of county supervisory districts in accordance with the tentative county supervisory district plan unless the tentative plan would: (a) unduly dilute the voting strength of a racial or language minority group; (b) require the creation of a ward composed of noncontiguous territory, with limited exceptions; (c) require the creation of a ward composed of territory that is not as compact as practicable; (d) unduly bifurcate a manifest social, economic, or political community of interest; or (e) unduly favor a particular person or political party.
2. Establishes a statewide minimum municipal ward population requirement of 300 inhabitants, while retaining the current maximum ward populations for the various sizes of municipalities.
3. Permits municipalities, in creating wards, to subdivide any census block containing a state or federal correctional institution or a state center for the developmentally disabled.

4. Provides that an annexation ordinance must identify the census block number or numbers of annexed territory and each municipality from which the territory was detached.
5. Repeals the current provision that during the period from April 1 to June 30 of the year following a census, if a city or village annexes or detaches land that is the subject of certain ordinances or resolutions expressing the city's or village's intent not to annex or detach territory, the annexation or detachment is effective on July 1 of that year or at a later date specified in the ordinance or resolution.
6. Requires municipalities to file ward plans with the county clerk or board of election commissioners, who must then forward a copy, in either electronic or paper format, to the Legislative Reference Bureau (LRB). The LRB must in turn furnish a paper or electronic copy to the State Elections Board.
7. Requires that ward and aldermanic district plans reflect census results, including any corrections, on April 1 of the year of the census, if corrections are issued prior to adoption of tentative county supervisory district plans, and provides that an official correction does not include the substitution of an estimate for an actual population count.
8. Provides that decennial ward plans must include all territory within the municipality on the date of adoption of a tentative county supervisory district plan and that the plans may designate annexed territory as a separate ward or add it to an existing ward.
9. Makes the following changes relating to tentative county supervisory district plans:
 - a. Provides that the tentative plan cannot divide census blocks unless the block is bisected by a municipal boundary or unless a division is required to enable creation of supervisory districts that are substantially equal in population.
 - b. Requires that populations of supervisory districts under the tentative plan must be determined on the basis of the census, and any official corrections thereto, issued on or before the date the tentative plan is adopted, to reflect the correct population of the county and municipalities and blocks within the county on April 1 of the year of the census.
 - c. Eliminates the current requirement to include with the plan a description of boundary requirements as an alternative to submitting tentative boundaries.
 - d. Requires the county board to attempt to incorporate suggestions from municipalities concerning the development of an appropriate plan, to the extent feasible.
 - e. Requires territory in each proposed supervisory district to be contiguous, except that island territory may be combined with noncontiguous territory within the same municipality.
 - f. Eliminates the current requirement that the county board must provide a written statement with the plan to a municipality if the board seeks to divide a municipality, specifying the approximate location of the territory from which a ward is sought to be created and the approximate population of the ward.

- g. Requires the county board to transmit a copy of the tentative plan adopted to each municipal governing body in the county.
10. Makes the following changes relating to final county supervisory district plans:
- a. Provides that the final county plan must not be inconsistent with the tentative plan, except to reflect an authorized change made by a municipality in a municipal ward division or to reflect an official correction to the census.
 - b. Provides that under the final plan, populations of supervisory districts must be determined on the basis of the census of population, and any corrections thereto, if the corrections as they affect a municipality are issued prior to division of the municipality and the wards. An official correction does not include the substitution of an estimate for an actual population county.
 - c. Provides that upon receipt from the county board chair of a certified copy of the final plan, the Secretary of State must provide the LRB with a copy of the plan and the LRB, in turn, must provide the State Elections Board with a copy. The copies may be filed in either electronic or paper format. Requires the custodian of a document (usually the Secretary of State) to determine the format for electronic filing and the manner in which documents that must be certified are to be authenticated, if filed electronically. Unless otherwise ordered, a plan enacted and filed with the Secretary of State, along with any amendment enacted and filed, remains in effect until the plan is superseded by a subsequent plan.
 - d. Requires the county board chair to file a certified copy of any amended plan with the Secretary of State. Upon receipt, the Secretary of State must forward a paper or electronic copy to the LRB, which, in turn, must provide a paper or electronic copy to the Elections Board.
11. Requires that populations of city aldermanic districts be determined on the basis of the census, and any official corrections thereto, to reflect the correct populations of the municipality and census blocks within the municipality on April 1 of the year of the census, if the corrections are issued prior to division of the municipality into wards. An official correction does not include the substitution of an estimate for an actual population count.
12. Requires the Milwaukee Board of Education to adopt an election district plan within 60 days after adoption of a decennial ward plan, rather than an aldermanic district plan.
13. Takes effect on the April 1 following publication.

Passage of Senate Bill 63, as amended by SSA 1, was recommended by the Committee on Senate Organization, Ayes, 3, Noes, 2, on March 8, 2001. The Senate adopted SSA 1 and Senate Amendment 1 to SSA 1 and passed the bill, as amended, on March 13, 2001, Ayes, 18, Noes, 15. The bill was messaged and referred to the Assembly Committee on Census and Redistricting on March 15, 2001.