



2009 ASSEMBLY BILL 872

March 19, 2010 - Introduced by Representative BLACK. Referred to Committee on Elections and Campaign Reform.

- 1 **AN ACT** *to create* 4.006 of the statutes; **relating to:** preparation of legislative
2 and congressional districting plans by Legislative Reference Bureau.

Analysis by the Legislative Reference Bureau

The Wisconsin Constitution requires the legislature to redistrict legislative districts according to the number of inhabitants at its next session following each decennial federal census. The legislature also reapportions congressional districts pursuant to federal law.

This bill creates a new procedure for the preparation of legislative and congressional redistricting plans. The bill requires the Legislative Reference Bureau (LRB) to develop standards for legislative and congressional districts based on population requirements under the Wisconsin Constitution and the U.S. Constitution and requirements under Section 2 of the Voting Rights Act. The bill then directs the LRB to draw redistricting plans for submission to the legislature for approval in accordance with the standards. Under the bill, no 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 districting.

The bill requires either the assembly or the senate to expeditiously introduce and bring a bill to a vote not less than seven days after the date of introduction. The vote must be under a procedure or rule permitting no amendments, except those of a purely corrective nature. If a 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.

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If neither of the bills delivered by the LRB is approved by the assembly and the senate, the LRB must then prepare identical bills embodying a second plan of legislative and congressional redistricting. 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 assembly failed to approve the first bill. 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 not approved by the assembly and the senate, the same procedure applies for the preparation of a third plan by the LRB and legislative consideration of a third plan. The bill does not provide any procedure for the preparation and submission of a fourth plan by the LRB. It is important to note that the procedure established under the bill for legislative consideration of any legislative or congressional districting plan is a rule of proceeding under the Wisconsin Constitution and, as such, would not be legally enforceable in a court of law if the assembly or senate failed to follow the procedure.

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.** 4.006 of the statutes is created to read:

2 **4.006 Redistricting procedure. (1)** The legislative reference bureau shall
3 develop standards for legislative and congressional districts based on population
4 requirements under the Wisconsin Constitution and the U.S. Constitution and
5 requirements under section 2 of the Voting Rights Act.

6 **(2)** Not later than January 1 of the 2nd year following the decennial federal
7 census, the legislative reference bureau shall deliver to the majority leader of the
8 senate and speaker of the assembly identical bills creating plans of legislative and
9 congressional redistricting, prepared in accordance with standards developed by the
10 legislative reference bureau under sub. (1). Either the assembly or the senate shall
11 expeditiously introduce and bring a bill to a vote not less than 7 days after the date
12 of introduction. The vote shall be under a procedure or rule permitting no

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1 amendments except those of a purely corrective nature. If a bill is approved by the
2 first house in which it is considered, the bill shall expeditiously be brought to a vote
3 in the 2nd house under a similar procedure or rule.

4 (3) If neither of the bills delivered by the legislative reference bureau under
5 sub. (2) is approved by both the assembly and the senate, the legislative reference
6 bureau shall prepare identical bills embodying a 2nd plan of legislative and
7 congressional redistricting. The legislative reference bureau shall deliver the bills
8 to the majority leader of the senate and the speaker of the assembly no later than 21
9 days after the date of the vote by which the senate or the assembly failed to approve
10 the bill submitted under sub. (2). Any bill delivered by the legislative reference
11 bureau under this subsection shall be expeditiously introduced and brought to a vote
12 not less than 7 days after the date of introduction, in the same manner as prescribed
13 for the bill required under sub. (2).

14 (4) If neither of the bills delivered by the legislative reference bureau under
15 sub. (3) is approved by both the assembly and the senate, the same procedure as
16 prescribed by sub. (2) shall be followed for the preparation and legislative
17 consideration of a 3rd plan.

18 (END)