

1985 Wisconsin Act 312

AN ACT to repeal 119.08 (1m); to amend 17.03 (4) and 119.08 (1); and to create 5.081 of the statutes, relating to prevention of voting rights dilution and the method of selection of the board of school directors in 1st class cities.

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

SECTION 1. Legislative findings and intent. The legislature intends to protect the political rights of all electors by ensuring that the political processes are equally open to all individuals and that all electors have the same opportunity to participate in the electoral process. The legislature finds that voting rights may be easily diluted as a result of adoption of election district boundaries which prevent effective representation or minimize the extent of that representation. Such dilution may contravene federal law, as well as the guarantees set forth in the 14th and 15th amendments to the U.S. constitution and offends article I, sections 1 (inherent rights clause) and 3 (free speech clause) of the Wisconsin constitution. The legislature finds that federal court decisions in *Rybicki v. Board of Elections of State of Illinois*, 574 F. Supp. 1147 (N.D., Ill., 1983) and *Ketchum v. Byrne*, 740 F. 2d 1398 (7th Cir., 1984) provide a basis for this finding. The legislature further finds that it is neither financially feasible for most individual electors to effectively challenge districting plans which dilute their voting rights nor is it the responsibility of individual electors to assume the legal burden of defending their voting rights. This act is intended to provide the most cost-effective means of responding to the problem of dilution of voting rights through the drawing of election district boundaries.

SECTION 2. 5.081 of the statutes is created to read:

5.081 Petition for Enforcement of voting rights. The attorney general shall accept a verified petition from any person alleging failure to comply with section 2 of the federal voting rights act, 42 USC 1973 (a) and (b). The attorney general may commence an action or proceeding in any court of competent jurisdiction on behalf of any elector of this state whose rights under 42 USC 1973 (a) and (b) are violated.

SECTION 7m. 17.03 (4) of the statutes is amended to read:

17.03 (4) His or her ceasing to be an inhabitant of this state; or if the office is legislative, his or her ceasing to be an inhabitant of the district from which he or she is elected; or if the office is local, his or her ceasing to be an inhabitant of the district, county, city, village, town, aldermanic district or school district for which

he or she was elected or within which the duties of his or her office are required to be discharged, except as provided in s. 119.08 (1) (c); and in the case of a school district officer, and in addition to the foregoing, his or her being and remaining absent from the district for a period exceeding 60 days.

SECTION 8. 119.08 (1) of the statutes is amended to read:

119.08 (1) (a) The board shall consist of one ~~at-large member elected at-large~~ and 8 members elected from numbered districts determined by the board, which shall be composed of combined aldermanic districts or parts thereof, with boundary lines to coincide as closely as possible with aldermanic districts selected in accordance with this chapter. The combined aldermanic districts shall be substantially equal in population and the boundaries of the districts shall be drawn so as to reflect a balanced representation of citizens in all areas within the city. ~~The~~

(b) Within 60 days after the common council of the city enacts an ordinance determining the boundaries of the aldermanic districts in the city under s. 62.08, the board shall, by vote of a majority of the membership of the board, adopt a district apportionment plan for the election of board members which shall be effective until the city enacts a new ordinance redetermining the aldermanic district boundaries.

(c) A person elected to represent a combined aldermanic district shall reside within the boundaries of the district, except that if a person ceases to reside within the district because the boundaries of the district are changed during the person's term of office, the person may continue to serve for the balance of the term for which he or she was elected for so long as the person resides in the school district. No person is eligible to be a member of the board if that person holds an office in any political organization or a lucrative city, county or state office, other than the office of notary public. Before taking office, the members of the board shall take the official oath of office and file it, duly certified by the officer administering the oath, with the city clerk.

SECTION 9. 119.08 (1m) of the statutes is repealed.

SECTION 10e. Nonstatutory provisions; initial redistricting. Notwithstanding section 119.08 (1) (b) of the statutes, as affected by this act, the board of school

directors of each 1st class city shall, by majority vote of the membership of the board no later than November 15, 1986, determine the boundaries of districts numbered 1 to 8 consisting of combined aldermanic

districts or portions thereof for elections to be conducted in 1987, 1989 and 1991. The boundaries of the districts shall be drawn in accordance with section 119.08 (1) (a) of the statutes, as affected by this act.

SECTION 10m. Program responsibility changes. In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in Column C are inserted:

A	B	C
Statute Sections	References Deleted	References Inserted
15.251 (intro.)	none	5.081

SECTION 11. Initial applicability. (1) The treatment of section 5.081 of the statutes by this act and SECTIONS 1 and 10m of this act first apply to alteration of district boundaries made to reflect population changes identified in the 1990 federal decennial census.

(2) The treatment of sections 17.03 (4) and 119.08 (1) and (1m) of the statutes by this act and SECTION 10e of this act first apply to the drawing of election district boundaries for the 1987 spring primary and election.
