



State of Wisconsin
2009 - 2010 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 145**

April 20, 2009 - Offered by Representative KESSLER.

1 **AN ACT to amend** 5.15 (1) (b), 5.15 (1) (c), 5.15 (2) (d), 5.18, 59.10 (2) (a), 59.10
2 (3) (b) 1., 59.10 (3) (b) 2., 59.10 (6), 62.08 (1), 62.08 (5) and 119.08 (1) (b) of the
3 statutes; **relating to:** legislative review of municipal ward plans.

Analysis by the Legislative Reference Bureau

Currently, within 60 days after the decennial population count, by block, becomes available from the U.S. Bureau of the Census, but no later than July 1 of each year following the year of the census, each county board of supervisors must submit to each municipality having territory in the county a tentative supervisory district plan or a description of boundary requirements for such a plan. Within 60 days after the receipt of this information from the county board of each county in which a municipality is located, each municipality having a population of 1,000 or more must adopt or readjust wards in accordance with statutory population parameters. In enacting or adopting its plan, a municipality must make a good faith effort to reflect the county's requirements in enacting a supervisory district plan. Within 60 days after every municipality having territory within a county enacts or adopts a ward division plan, the county must enact a final supervisory district plan combining contiguous whole wards to form supervisory districts.

This substitute amendment shortens the maximum time period specified for action at each of the above stages of the redistricting process to 45 days. The substitute amendment also provides that upon enactment or adoption of a municipal

ward division plan, the clerk of a municipality must submit a certified copy of the plan to the appropriate standing committees of the legislature. If, within 45 days of the receipt of the plan, the legislature enacts a law making changes to the wards within a municipality, the municipality must incorporate the changes into its ward division plan, which then takes effect. If, within 45 days of the receipt of the plan, the legislature does not enact a law making changes to the wards within a municipality, the municipal ward division plan takes effect as submitted. Because the legislature has inherent authority to establish municipal wards or to change ward boundaries as a part of a congressional or legislative redistricting plan, the substitute amendment does not preclude the legislature from making other changes in municipal ward boundaries as a part of such a plan.

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

1 **SECTION 1.** 5.15 (1) (b) of the statutes is amended to read:

2 5.15 (1) (b) Except as authorized in sub. (2) (a), within ~~60~~ 45 days after the
3 receipt of a tentative supervisory district plan and written statement, if any, from the
4 county board of each county in which a municipality is located, the governing body
5 of the municipality shall adjust its wards according to the schedule shown in sub. (2).
6 All territory contained within the municipality, and only the territory so contained,
7 on August 1 following the year of the federal decennial census shall be contained
8 within a ward. Except as authorized in sub. (2), each ward shall consist of whole
9 blocks. To suit the convenience of the voters residing therein each ward shall, as far
10 as practicable, be kept compact and observe the community of interest of existing
11 neighborhoods and other settlements. All territory within a ward shall be
12 contiguous, except for island territory as defined in sub. (2) (f) 3. Enactment or
13 adoption of a division ordinance or resolution requires the affirmative vote of a
14 majority of the members of the governing body. Immediately upon enactment of a
15 division ordinance or resolution, the clerk of the municipality shall submit a certified
16 copy of the ordinance or resolution to the appropriate standing committees of each

1 house of the legislature under s. 13.172 (3). If the legislature does not enact a law
2 making changes in the wards of the municipality submitting a plan within 45 days
3 of the date of receipt of the certified copy of the ordinance or resolution of a
4 municipality under this paragraph, the ordinance or resolution takes effect upon
5 expiration of the 45-day period. If, within 45 days of the date of receipt of the
6 certified copy of an ordinance or resolution of a municipality under this paragraph,
7 the legislature enacts a law making changes in the wards of a municipality
8 submitting a division ordinance or resolution, the municipality shall revise and
9 reenact or readopt its ordinance or resolution to reflect the changes specified by law.
10 The ordinance or resolution shall then take effect. This paragraph does not preclude
11 the legislature from adjusting the ward boundaries of any municipality, as a matter
12 of statewide concern, in the enactment of congressional districts or in the enactment
13 of legislative districts under article IV, section 3 of the constitution, on the basis of
14 the most recent decennial census of population. An ordinance or resolution enacted
15 under s. 61.189 (1), 66.0211 (1), 66.0215 (2), or 66.0216 (2) (d) is not required to be
16 submitted under this paragraph.

17 **SECTION 2.** 5.15 (1) (c) of the statutes is amended to read:

18 5.15 (1) (c) The wards established by municipal governing bodies under this
19 section on the basis of the published results of each federal decennial census of
20 population, as adjusted under par. (b), shall govern the adjustment of supervisory
21 districts under s. 59.10 (2) (a) and (3) (b) and of aldermanic districts under s. 62.08
22 (1) for the purpose of local elections beginning on January 1 of the 2nd year
23 commencing after the year of the census until revised under this section on the basis
24 of the results of the next decennial census of population unless adjusted under sub.
25 (2) (f) 4., (6) (a) or (7), or unless adjusted, as a matter of statewide concern, in the

1 enactment of legislative districts under article IV, section 3, of the constitution on the
2 basis of the most recent decennial census of population.

3 **SECTION 3.** 5.15 (2) (d) of the statutes is amended to read:

4 5.15 (2) (d) Every municipality shall make a good faith effort to accommodate
5 the tentative plan submitted by the county or counties in which it is located under
6 s. 59.10 (2) (a) or (3) (b) 1., and shall divide itself into wards, consistently with any
7 adjustments made by law under sub. (1) (b), in such a manner that will permit the
8 creation of county supervisory districts in accordance with the population
9 requirements for the plan specified in s. 59.10 (2) (a) or (3) (b) 1.

10 **SECTION 4.** 5.18 of the statutes is amended to read:

11 **5.18 Enforcement of division requirement.** If any municipality fails to
12 comply with s. 5.15, the county in which the municipality is located or any elector of
13 the municipality may submit to the circuit court for any county in which the
14 municipality is located within 14 days from the expiration of the ~~60-day~~ 45-day
15 period under s. 5.15 (1) (b) a proposed plan for the division of the municipality into
16 wards in compliance with this section. If the circuit court finds that the existing
17 division of the municipality into wards fails to comply with s. 5.15, it shall review the
18 plan submitted by the petitioner and after reasonable notice to the municipality may
19 promulgate the plan, or any other plan in compliance with s. 5.15, as a temporary
20 ward plan for the municipality ~~to remain in effect~~ until superseded by a ward plan
21 adopted by the governing body in compliance with s. 5.15. Upon promulgation of a
22 temporary ward plan or enactment of any subsequent plan under s. 5.15, the clerk
23 of the municipality shall submit a certified copy of the plan to the appropriate
24 standing committees of the legislature under s. 5.15 (1) (b).

25 **SECTION 5.** 59.10 (2) (a) of the statutes is amended to read:

1 59.10 (2) (a) *Composition; supervisory districts.* Within ~~60~~ 45 days after the
2 population count by block, established in the decennial federal census of population,
3 and maps showing the location and numbering of census blocks become available in
4 printed form from the federal government or are published for distribution by an
5 agency of this state, but no later than July 1 following the year of each decennial
6 census, the board shall adopt and transmit to the governing body of each city and
7 village wholly or partially contained within the county a tentative county
8 supervisory district plan to be considered by the cities and villages when dividing
9 into wards. The plan shall specify the number of supervisors to be elected and shall
10 divide the county into a number of districts equal to the number of supervisors, with
11 each district substantially equal in population and consisting of contiguous whole
12 wards. Except as otherwise provided in this paragraph, the board shall develop and
13 adopt the tentative plan in accordance with sub. (3) (b) 1. The board shall adopt a
14 final plan by enacting an ordinance in accordance with sub. (3) (b) 2. to 4.

15 **SECTION 6.** 59.10 (3) (b) 1. of the statutes is amended to read:

16 59.10 (3) (b) 1. Within ~~60~~ 45 days after the population count by block,
17 established in the decennial federal census of population, and maps showing the
18 location and numbering of census blocks become available in printed form from the
19 federal government or are published for distribution by an agency of this state, but
20 no later than July 1 following the year of each decennial census, each board shall
21 propose a tentative county supervisory district plan setting forth the number of
22 supervisory districts and tentative boundaries or a description of boundary
23 requirements, hold a public hearing on the proposed plan and adopt a tentative plan.
24 The proposed plan may be amended after the public hearing. The board shall solicit
25 suggestions from municipalities concerning the development of an appropriate plan.

1 The board shall transmit to each municipal governing body in the county the
2 tentative plan that is adopted. Each district shall consist of whole wards or
3 municipalities. Each district shall be designated to be represented by one supervisor,
4 and all districts shall be substantially equal in population. In the tentative plan, the
5 board shall, whenever possible, place whole contiguous municipalities or contiguous
6 parts of the same municipality within the same district. If the division of a
7 municipality is sought by the board, the board shall provide with the plan a written
8 statement to the municipality affected by each proposed division specifying the
9 approximate location of the territory from which a ward is sought to be created for
10 contiguity purposes and the approximate population of the ward proposed to
11 effectuate the division.

12 **SECTION 7.** 59.10 (3) (b) 2. of the statutes is amended to read:

13 59.10 (3) (b) 2. Within ~~60~~ 45 days after a ward division ordinance or resolution
14 becomes effective under s. 5.15 (1) and (2) in every municipality in the county adjusts
15 ~~its wards under s. 5.15~~, the board shall hold a public hearing and shall then adopt
16 a final supervisory district plan, numbering each district. Wards within each
17 supervisory district created by the plan shall be contiguous, except that one or more
18 wards located within a city or village which is wholly surrounded by another city or
19 water, or both, may be combined with one or more noncontiguous wards, or one or
20 more wards or portions of wards consisting of island territory as defined in s. 5.15
21 (2) (f) 3. may be combined with one or more noncontiguous wards or portions of wards
22 within the same municipality, to form a supervisory district.

23 **SECTION 8.** 59.10 (6) of the statutes is amended to read:

24 59.10 (6) ENFORCEMENT OF DIVISION REQUIREMENT. If a county fails to comply
25 with sub. (2) (a) or (3) (b), any municipality located in whole or in part within the

1 county or any elector of the county may submit to the circuit court for the county
2 within 14 days from the expiration of either ~~60-day~~ 45-day period under sub. (2) (a)
3 or (3) (b) a proposed tentative or final plan for creation of supervisory districts in
4 compliance with this section. If the court finds that the existing division of the county
5 into supervisory districts fails to comply with this section, it shall review the plan
6 submitted by the petitioner and after reasonable notice to the county may
7 promulgate the plan, or any other plan in compliance with this section, as a
8 temporary supervisory district plan until superseded by a districting plan adopted
9 by the board in compliance with this section.

10 **SECTION 9.** 62.08 (1) of the statutes is amended to read:

11 62.08 (1) Within ~~60~~ 45 days after the wards have been readjusted a ward
12 division ordinance or resolution under s. 5.15 (1) and (2) becomes effective in a city,
13 including a city of the first class, the common council of every the city, including any
14 city of the first class, shall redistrict the boundaries of its aldermanic districts, by an
15 ordinance introduced at a regular meeting of the council, published as a class 2
16 notice, under ch. 985, and thereafter adopted by a majority vote of all the members
17 of the council, so that all aldermanic districts are as compact in area as possible and
18 contain, as nearly as practicable by combining contiguous whole wards, an equal
19 number of inhabitants according to the most recent decennial federal census of
20 population.

21 **SECTION 10.** 62.08 (5) of the statutes is amended to read:

22 62.08 (5) If a city fails to comply with sub. (1), any elector of the city may submit
23 to the circuit court for any county in which the city is located within 14 days from the
24 expiration of the ~~60-day~~ 45-day period under sub. (1) a proposed plan for creation
25 of aldermanic districts in compliance with this section. If the court finds that the

1 existing division of the city into aldermanic districts fails to comply with this section,
2 it shall review the plan submitted by the petitioner and after reasonable notice to the
3 city may promulgate the plan, or any other plan in compliance with this section, as
4 a temporary aldermanic district plan until superseded by a districting plan adopted
5 by the council in compliance with this section.

6 **SECTION 11.** 119.08 (1) (b) of the statutes is amended to read:

7 119.08 (1) (b) Within ~~60~~ 45 days after the common council of the city enacts an
8 ordinance ~~determining or adopts a resolution adjusting~~ the boundaries of the
9 aldermanic districts wards in the city following the federal decennial census under
10 s. ~~62.08~~ 5.15 (1) and (2), the board shall, by vote of a majority of the membership of
11 the board, adopt an election district apportionment plan for the election of board
12 members which shall be effective until the city enacts a new ordinance under s. 62.08
13 (1) ~~redetermining the aldermanic district boundaries~~ adjusting the boundaries of its
14 wards under s. 5.15 (1) and (2).

15 (END)