



MEMORANDUM

To: Ronald Leonhardt, City Clerk

From: Barry Zalben, Manager, Legislative Reference Bureau

Date: April 2, 2009

Re: Assembly Bill 145

I have reviewed Assembly Bill 145 relating to redistricting. My comments are related to those provisions impacting city redistricting procedures and activities.

State Legislative and Congressional Redistricting

One of the objectives of Assembly Bill 145 is to facilitate the legislative and congressional process by directing municipalities to revise their ward plans to reflect any state legislative act establishing a state legislative or congressional district boundary that does not coincide with a ward boundary.

The State Legislature uses municipal wards to create state legislative and congressional districts. Currently no statutory provision exists for the revision of municipal ward boundaries in instances where those district lines cut through ward boundaries. For example in 1991, the Common Council redrew Milwaukee's existing ward boundaries resulting in 327 wards. The State Legislature then drew the congressional district boundaries, and split a number of wards internally between the 4th and 5th congressional districts. The State Elections Board then ordered the City of Milwaukee to modify certain ward boundaries to accommodate congressional redistricting, thereby increasing the number of city wards by 8 from 327 to 335.

Local Redistricting

Assembly Bill 145 is more likely to impact the Milwaukee redistricting process; indeed it could impact every county's redistricting process, those municipalities which divide their territory into wards, and even the Milwaukee Public Schools' redistricting process.

The bill shortens the first 2 steps of the redistricting process – the drawing of tentative county supervisory district plans, and municipal ward boundaries designed to accommodate the

tentative county supervisory district plans – from 60 days each to 45 days. Following the adoption of a municipal ward division plan, the clerk of the municipality must submit the plan to the State Legislature for review. The Legislature then has 45 days to review ward plans and make changes if desired, which the municipality must then incorporate into its original plan.

The bill then authorizes state legislative review and possible amendments to the final process of local redistricting – the final county supervisory district plans, every municipal aldermanic district plan, and even the Milwaukee Public Schools (school district in a first class city) board member district plan. Again, these plans must be submitted to the State Legislature for review. The Legislature then has 30 days to review plans and make final changes, if desired, which then must be incorporated into the proposed plans.

The shortening of the initial period for counties and cities in preparation of tentative supervisory districts and municipal wards could have an impact on LRB staff in making changes to municipal ward boundaries. In 2001, within the 60-day period specified for changes in municipal ward boundaries based on Milwaukee County's tentative plan, LRB staff made boundary changes to 139 of the existing 335 wards, resulting in a reduction in the number of wards by 21, from 335 to 314. Milwaukee County's tentative supervisory plan required 108 of those changes; city changes, mostly Council member requests, a few by LRB staff, totaled 31. Approximately 25 of the 139 changes were finalized in the last 10 days of the 60-day period. Perhaps communities with a smaller number of wards could accommodate ward boundary changes within 45 days with respect to a tentative supervisory district plan; I do not believe this to be the case with Milwaukee County and the City of Milwaukee.

The shortening of the 2 windows for local government ward division and redistricting from 60 to 45 days, plus adding 2 review periods for state legislative review for wards and districts, actually lengthens the total local redistricting process by 30 days, from 180 days to 210 days. The “clock” on the 2011 redistricting process begins probably by early or mid April 2011, when U.S. census results are published. As noted in a drafter's note dated January 12, 2009 from Jeffrey T. Kuesel, Managing Attorney, Wisconsin Legislative Reference Bureau, to Representative Fred Kessler, the requestor of Assembly Bill 145, the bill impacts election of offices in the 2012 spring election:

As we discussed, the addition of 45 days to the time period for municipal ward division and county, municipal, and school district subdistricting could bring some counties, municipalities, or the Milwaukee school district very close to the November 15 “finish line” date by the time their redistricting plans take effect. Without subdistricts in place by that time, it will not be possible for clerks to notice the forthcoming spring election on time and it will be more difficult for candidates to decide whether and where to run and to begin launching their campaigns.

Finally, I do not believe it is desirable to have the State Legislature review municipal ward boundaries, final county supervisory district plans, municipal aldermanic district plans, and the Milwaukee Public Schools board district plan. There are 72 counties, 190 municipalities and

one school board which would be impacted by Assembly Bill 145. The number of supervisory districts, municipal wards and aldermanic districts which would be subject to review would number in the thousands; I can't see how a legislative committee or the State Legislature could conduct a meaningful review of these boundaries. Also, there might be the potential for the adjustment of boundaries such that the boundaries are not "compact and do not observe the community of interest of existing neighborhoods" (I am quoting s. 5.15 (1) (a) 3. (b), Wis. Stats.).

BJZ/sd