Ad Hoc Committee for Redistricting of Supervisory Districts
Technical Support Group to Ad Hoc Redistricting Committee
Monday, March 28, 2011 at 3:00 PM
Conference Room N-1, Fifth Floor, Rock County Courthouse

Agenda

1. **Call to Order: Russ Podzilni, Chair, Rock County Board of Supervisors**

2. **Introduction of Ad Hoc and Technical Committee Members and Staff**

3. **The 2010 Census and Redistricting in Rock County: Russ Podzilni, Chair, Rock County Board of Supervisors**

4. **Review of Select Materials**

    a. **Rock County Supervisory Districts; 2011 Redistricting Summary**

    b. **Redistricting Timeline**

    c. **Current Rock County Supervisory Districts Map**

    d. **Population 2010; Rock County Population Map**

    e. **County Minor Civil Division Tables**
        i. **Table 1; Sorted by Municipality**
        ii. **Table 2; Sorted by Population**
        iii. **Table 3; Sorted by Percent change**

    f. **Criteria and Priority Sorting Order for the Rock County Tentative Supervisory Plan Year 2000**

    g. **Criteria for Creating Tentative County Supervisory Districts, 2011**

5. **What is WISE-LR? Jennifer Borlick, GIS Manager, Rock County Planning and Development.**

6. **PowerPoint on Criteria: Paul Benjamin, Director, Rock County Planning and Development Department**

7. **Discussion.**

8. **Set next meeting date.**

9. **Adjourn**

Enclosures: WCA 2011 County Redistricting Guide

a. UW Extension Fact Sheet; Redistricting for Local Officials
b. Rock County Supervisory Districts; 2011 Redistricting Summary
c. Redistricting Timeline
d. Current Rock County Supervisory Districts Map
e. Population 2010; Rock County Population Map
f. County Minor Civil Division Tables
    i. Table 1; Sorted by Municipality
    ii. Table 2; Sorted by Population
    iii. Table 3; Sorted by Per Cent change
g. Criteria and Priority Sorting Order for the Rock County Tentative Supervisory Plan Year 2000
h. Criteria for Creating Tentative County Supervisory Districts, 2011

Materials for Ad Hoc and Technical Redistricting Committees Meeting
March 28, 2011
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7. **County Minor Civil Division Tables**
   a. **Table 1; Sorted by Municipality**
   b. **Table 2; Sorted by Population**
   c. **Table 3; Sorted by Per Cent change**

8. **Criteria and Priority Sorting Order for the Rock County Tentative Supervisory Plan Year 2000**

9. **Criteria for Creating Tentative County Supervisory Districts, 2011**

WCA 2011 COUNTY REDISTRICTING GUIDE

Prepared for the Wisconsin Counties Association by Phillips Borowski, S.C.
with contributions from Julie Glancey, Sheboygan County Clerk

Wisconsin Counties Association • 22 E. Mifflin Street, Suite 900 • Madison, WI 53703 • T 608.663.7188 • www.wicounties.org

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Introduction

OVERVIEW

Reapportionment and redistricting are mandated by federal and state law. "Reapportionment" refers to the allocation of political seats among governmental units and traditionally is used in connection with allocation of congressional seats among the fifty states. "Redistricting" refers to the establishment of boundaries among political units such as county supervisory districts.

Under Wis. Stat. § 59.10, county governments in Wisconsin are required to redistrict following completion of the federal ten-year or "decennial" census. The primary purpose of this process, which is referred to as "decennial redistricting," is to reflect population shifts that have occurred over the past ten years within counties as reflected by the results of the federal census. Decennial redistricting also provides counties with the opportunity to increase or decrease the size of their county boards by increasing or decreasing the number of supervisory districts in their redistricting plan.

In addition to decennial redistricting, Wis. Stat. § 59.10 provides for redistricting following enactment of the final decennial redistricting plan. This process, which is referred to in this guide as "mid-term redistricting," may be initiated by a county board or by the electorate through a petition and referendum. Mid-term redistricting may only occur once the decade following the enactment of the decennial redistricting plan. Moreover, mid-term redistricting may only be used to decrease the number of districts and county supervisory board seats.

In order to understand and fulfill the requirements of decennial and mid-term redistricting, county officials should be knowledgeable of the relevant legal, technical and procedural aspects of redistricting. This guide provides a general overview of redistricting to assist county officials in this process.

The first chapter of the guide sets forth the statutory procedures for county decennial redistricting. The second chapter discusses the creation of wards by municipalities and the interrelationship between ward creation and the county redistricting plan. The third chapter addresses legal issues surrounding redistricting with a particular emphasis on principles of "one person-one vote" and minority representation. The fourth chapter provides timelines and guidelines for counties in meeting decennial redistricting requirements. The fifth chapter outlines the requirements and procedures for mid-term redistricting. The final chapter lists resources and contacts for counties in the redistricting process.

It is recommended that counties retain an experienced consultant as part of the redistricting process. Consultants should understand the requirements of Wisconsin law as it relates to decennial and mid-term county redistricting and have experience in redistricting local political subdivisions, advising on the creation and drawing of districts and evaluating redistricting plans.

NOTE: This guide is intended to provide a general understanding of the county redistricting process and the statutes and legal principles which govern it. Before starting redistricting, county officials should review applicable state laws including Chapters 5 and 59 of the Wisconsin statutes. Please seek legal advice if you have any questions regarding the redistricting process or its requirements.

interests. Preserving the cores of previous districts further facilitates constituency-representative relationships.[1] Consideration of minority groups and communities of interest[2] facilitates the ability of minorities and other communities of interest to elect representatives of their choice who reflect their respective and often special concerns.

Procedure for Decennial Redistricting Under Wis. Stat. § 59.10(3)

Under Wis. Stat. § 59.10(3), counties begin the decennial redistricting process with a "clean slate." All existing district and ward lines are erased and a county is able to draw new lines based on the results of the decennial census to reflect any population shifts. As indicated above and in the legal issues section later, redrawing district lines is governed and often limited by traditional principles of redistricting including compactness, contiguity and substantial equivalence of population among districts.

The Wisconsin Legislature has adopted a three step procedure for the creation of supervisory districts by counties following publication of the results of the decennial federal census. The procedure is set forth in Wis. Stat. § 59.10(3) and applies to all Wisconsin counties with the exception of Milwaukee County and Menominee County.[3]

STEP 1: Adoption of a Tentative County Supervisory District Plan

Under Wis. Stat. § 59.10(3)(b)1, each county board is required to take the following actions as part of the creation and adoption of a tentative county supervisory district plan within *sixty (60) days* after the results of the federal census become available from the federal government or are published by a state agency, but no later than July 1, 2011:

- Propose a tentative county supervisory district plan establishing the number of supervisory districts and tentative boundaries for each district.
- Hold a public hearing on the proposed plan.
- Adopt a tentative redistricting plan.

1. Number of Districts and County Board Members

   Wisconsin counties may *increase or decrease* the size of their boards during decennial redistricting. Once a board determines its size, district lines can then be drawn in accordance with traditional redistricting principles, substantially equal population requirements and minority and race considerations (as discussed in more detail below).

   The maximum number of county board supervisors any county may have is governed by Wis. Stat. § 59.10(3), which provides as follows:

   - Counties having a population of less than 500,000 but at least 100,000: 47 Supervisors.
   - Counties having a population of less than 100,000 but at least 50,000: 39 Supervisors.

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[1] Drawing district lines to protect incumbents and preserve core districts in the prior redistricting plan further avoids incumbents having to run against each other in the same district following redistricting.

[2] There is no single, accepted definition of a "community of interest." However, the term is generally used in connection with neighborhoods and groups of people living in a geographic area who have similar interests. Similar interests include common social and economic interests such as income levels, educational backgrounds, cultural and language characteristics, housing patterns and living conditions, employment and economic patterns and schooling. Examples of communities of interest include a town, neighborhood, municipality, urban area, rural area, suburb and school district.

[3] The redistricting procedures described in this guidebook apply to all counties containing less than 500,000 in population and more than one town. The redistricting procedures for Milwaukee County, which has a population in excess of 500,000, are set forth in Wis. Stat. § 59.10(2)(a). The redistricting procedures Menomonie County, which only has only one town, are set forth in Wis. Stat. § 59.10(5).

- Counties having a population of less than 50,000 but at least 25,000: 31 Supervisors.
- Counties having a population of less than 25,000 and containing more than one town: 21 Supervisors.

If the population of any county is within 2% of the minimum population for the next most populous grouping, the county board, in establishing supervisor districts may employ the maximum number for districts set for the next most populous group.

2. Rules for Drawing District Lines Under Wis. Stat. § 59.10(3)(b)1: Single Member Districts, Substantially Equal Population, Contiguity and Compactness

Each district may only be represented by one supervisor (no multi-member districts), and all districts must be *substantially equal* in population. Each proposed supervisory district is required to consist of whole wards or municipalities. Whenever possible, a county must place whole contiguous municipalities or contiguous parts of the same municipality (wards) within the same district.[4] If a county board seeks to divide a municipality, the board is required to provide a written statement to the affected municipality with the tentative plan that specifies the approximate location of the territory from which a ward is to be created and the approximate population of the ward.

3. Intergovernmental Cooperation: Soliciting Input from Municipalities

Counties are required to work with municipalities in creating the tentative plan. Wis. Stat. § 59.10(3)(b)1 expressly requires a county board to "solicit suggestions from municipalities concerning the development of an appropriate [tentative] plan." This allows the municipalities to have input in developing the tentative plan and, to the extent practicable, to have their concerns addressed at an early stage in the redistricting process.

4. Public Hearing

Once drafted, a county board is required under Wis. Stat. § 59.10(3)(b)1 to "hold a public hearing on the proposed plan." The public hearing provides an open forum for expression of concerns regarding the number of districts and district lines called for in the tentative plan.

5. Finalization and Distribution

The tentative plan may be amended after the public hearing and prior to its finalization and adoption. Once the plan is finalized, the county board must adopt it. The board is then required to transmit the tentative plan to each municipal governing body in the county.[5]

ANTICIPATED TIME LINE FOR STEP ONE: April 2011 through May 2011

[4]There are two recognized exceptions to the contiguity requirement. In the case that one or more wards located within a city or village is wholly surrounded by another city or water or both, the wards may be combined with noncontiguous wards. Wards consisting of island territory (which is defined as territory surrounded by water, or noncontiguous territory which is separated by the territory of another municipality or water, or both, from the major part of the municipality to which it belongs), may be combined with noncontiguous wards of the same municipality.

[5]If a county fails to prepare a tentative plan in accordance with Wis. Stat. § 59.10(3), any municipality located in whole or in part within the county or any elector of the county may submit a proposed tentative plan or final plan for the creation of supervisory districts to the circuit court in which the county sits. The proposed tentative or final plan must be filed 14 days from the expiration of the county's deadlines adopt a tentative plan or a final plan under Wis. Stat. § 59.10(3). If the circuit court finds that the existing division of the county into supervisory districts fails to comply with this section, the Court will review the plan submitted by the petitioner and, after reasonable notice to the county, may promulgate the plan, any other plan in compliance with this section, as a temporary supervisory district plan until superseded by a districting plan adopted by the county board.

STEP 2: Creation of Wards/Adjustment of Ward Lines by Municipalities

Upon receipt of the tentative plan and written statement regarding the creation of a ward, if any, from a county, a municipality has *60 days* to create wards or adjust its ward lines in accordance with the tentative county supervisory redistricting plan. In so doing, a municipality is required to:

(1) make a good faith effort to accommodate the tentative plan for the county or counties in which it is located; and

(2) to divide itself into wards in a way that permits the creation of supervisory districts that conform to the population requirements of the tentative plan.

The municipal clerk is required to forward a copy of the ward plan to the county within five days after the municipality has enacted or adopted an ordinance or resolution creating wards in accordance with the tentative county supervisory redistricting plan.

ANTICIPATED TIME LINE FOR STEP 2: June 2011 through July 2011

STEP 3: Adoption of a Final County Supervisory District Plan

1. Public Hearing, Adoption, Numbering Of Wards

   A county board is required to hold a public hearing and adopt a final supervisory district plan within *60 days* after every municipality in the county creates and/or adjusts its wards in accordance with the tentative county supervisory district plan. A county is required to number each district in the final plan that is enacted.

2. Contiguity Requirement

   Subject to certain exceptions,[6] wards within each supervisory district created by the final plan must be contiguous.

3. Submission to Secretary of State by County Board Chair

   The county board chair is required to file a copy of the final county supervisory districting plan adopted by the board with the Wisconsin Secretary of State.

ANTICIPATED TIME LINE FOR STEP 3: August 2011 through September 2011

[6] Section 59.10(3)b)2, which governs the establishment of final plans incorporates two exceptions to the contiguity requirement. These are: (1) one or more wards located within a city or village which is wholly surrounded by another city or water, or both, may be combined with one or more noncontiguous wards, or (2) one or more wards or portions of wards consisting of island territory as defined in Wis. Stat. § 5.15(2)(f)3 may be combined with one or more noncontiguous wards or portions of wards within the same municipality, to form a supervisory district.

Chapter 2

CREATION OF WARDS

The second step of the decennial county supervisory redistricting process involves the creation of wards and/or adjustment of ward lines in accordance with the tentative county supervisory district plan. This process is instrumental to the ability of counties to implement and ultimately finalize county supervisor redistricting plans. The following is a summary and explanation of the process for creating wards, as well as the enforcement mechanisms available to counties to require the creation of wards if municipalities do not meet their statutory obligations.

What are Wards?

A "ward" means a town, village or city subdivision created to facilitate election administration and establishing election districts (aldermanic, supervisory, legislative and congressional) that are substantially equal in population.

Rules Governing the Creation of Wards

1. General Rules

Section 5.15, Stats. governs the division of municipalities into wards in Wisconsin. Subject to the exceptions outlined below, every city, village and town in Wisconsin is required through its common council, village or town board, to be divided into wards. The boundaries of and number assigned to each ward are intended to be as permanent as possible. Where possible and practicable, each ward is to consist of whole blocks.[7] Wards are to be kept compact and observe the community of interest of existing neighborhoods and other settlements. Wards are confined to a single municipality and may only be in one county supervisory board district.

Wards do not have to be equal in population. They are, however, subject to the population limits as set forth in Wis. Stat. § 5.15(2)(b) which are set forth below:

- In any city in which the population is at least 150,000, each ward must contain not less than 1,000 nor more than 4,000 inhabitants.
- In any city in which the population is at least 39,000 but less than 150,000, each ward must contain not less than 800 nor more than 3,200 inhabitants.
- In any city, village or town in which the population is at least 10,000 but less than 39,000, each ward must contain not less than 600 nor more than 2,100 inhabitants.
- In any city, village or town in which the population is less than 10,000, each ward must contain not less than 300 nor more than 1,000 inhabitants.

The division of a municipality into wards is made by the common council, village board or town board. Municipal wards are to be created by ordinance or resolution of the municipal governing body. The ordinance or resolution

[7] A "block" means an area that is the smallest geographic area used by the U.S. Bureau of the Census for data collection and tabulation.

must number all wards in the municipality in consecutive order, designate the polling place for each ward and describe the boundaries of each ward.[8]

Once established, the boundaries of each ward are required to remain unchanged until:

- a further decennial federal census of population indicates that the population of a ward is above or below the applicable population range; or
- the ward boundaries are required to be changed to permit creation of supervisory or aldermanic districts of substantially equal population or to enhance the participation of members of a racial or language minority group in the political process and their ability to elect representatives of their choice.

Notwithstanding the general rule regarding the creation of wards, no city electing its common council at large in which the total population is less than 1,000, and no village or town in which the total population is less than 1,000 is required to be divided into wards, but any such city, village or town may divide itself into wards if the creation of wards facilitates the administration of elections. Likewise, no village or town located in a county having only one town is required to be divided into wards.

2. Creation of Wards and the Tentative County Supervisory District Plan

Every municipality is required to make a good faith effort to accommodate the tentative plan submitted by the county or counties in which the municipality is located. If a municipality is unable to accommodate the tentative plan, the municipality is nonetheless required to divide itself into wards in a way that creates county supervisory districts that are in accordance with the population requirements of the tentative plan.

3. Aldermanic Districts

Aldermanic Districts are built using the same wards as county supervisory districts. Aldermanic districts have to be substantially equal in population. When a municipality creates its ward plan, it therefore not only has to accommodate the tentative plan for county supervisory districts, but also has to allow for the creation of equal aldermanic districts.

County Enforcement of Municipal Division Requirements

Under Wis. Stat. § 5.18, if a municipality does not divide itself into wards as required by Wis. Stat. § 5.15, the county in which the municipality is located or any elector of the municipality may petition the circuit court in which the municipality is located and submit a proposed ward division plan for the municipality. The plan must be submitted to the circuit court within 14 days following the expiration of the 60 day period in which the municipality is required to adjust its wards.

If the circuit court finds that the existing division of the municipality does not comply with statutory requirements for redistricting, the circuit court will review the plan submitted by the petitioning county and, after reasonable notice to the municipality, may adopt the plan or any other plan which complies with the statutory requirements. The plan adopted by the circuit court is temporary and remains in effect until the municipality adopts a ward plan which complies with statutory requirements.

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[8] A list of all U.S. Census Bureau block numbers assigned to each ward, any partial blocks assigned to wards and a map with revised ward boundaries must be appended to the ordinance or resolution. The ordinance or resolution and the appended lists and maps must be filed with the county clerk of each county in which the municipality is located within five days after passage. In municipalities with populations over 10,000, the municipal clerk must provide the same information to the Wisconsin Legislative Reference Bureau.

Chapter 3

LEGAL ISSUES IN REDISTRICTING

In General

The legality of a redistricting plan often depends on whether there is a reasonable and rational basis for how districts are drawn. Generally, courts will allow reasonable differences to exist among districts in terms of their population and size if district lines are drawn in accordance with the traditional redistricting concepts.

A redistricting plan will be subject to challenge when deviations are not based on traditional redistricting concepts. Deviations which appear to be due to intentional efforts to dilute or fracture minority, race and minority party interests will be closely scrutinized and will likely be struck down. Oddly shaped districts, although not per se unlawful, will also be closely scrutinized. Significant deviations in population among districts will also be carefully scrutinized.

As seen below, adherence to traditional redistricting principles and drawing district lines in a reasonable and rational manner will allow a county to avoid many of the pitfalls in redistricting as well as costly legal challenges to redistricting plans.

"One Person-One Vote" in County Elections

The "one person-one vote" requirement arises under the equal protection clause of the United States Constitution and requires that members of a local elected body such a county supervisory district be drawn from districts of substantially equal population. Exact equality of population is not required.[9]

The goal of "one person-one vote" is to ensure that the voting power of one voter is as equal as possible to that of any other voter regardless of where the voters reside within a county or other political subdivision. "One person-one vote" avoids the problems associated with under populating and overpopulating districts. In an under populated district, a small number of citizens are able control the majority of the votes cast for their supervisors effectively overweighting their votes compared to the votes of citizens who live in more populous districts. Conversely, the votes of citizens in overpopulated districts are effectively diluted as it takes a greater number of citizens to control the majority and elect a district representative. An overpopulated district also limits those who live within it to one representative where two or more representatives may be warranted if district lines were drawn more equally in terms of population. The substantially equal population requirement attempts to balance the weight of citizens' votes by ensuring that the respective populations of districts within a county are roughly equal.

Principles of "One Person-One Vote"

1. Measuring Population Equality

   Whether districts in a redistricting plan are of "substantially equal in population" so as to meet the "one person-one vote" standard is measured utilizing the statistical methods. The goal of these methods is to ensure the weight of a vote in one district is "substantially equal" to the weight of the vote in another district.

[9]The concept of substantially equal population has been expressly incorporated into Wis. Stat. § 59.10(3)(b)1 ("each district shall be designated to be represented by one supervisor, and all districts shall be substantially equal in population").

a. Ideal District Size and Deviation

Population equality in county redistricting is determined by calculating a district's deviation from ideal district size. Ideal district size is determined by dividing the total population of a county by the number of districts in a redistricting plan.

County Population / Total Number of Districts = Ideal District Population

For example, assume that a county has a total of 100,000 people with 10 supervisors, one for each district. The ideal population for each district would be as follows:

100,000 / 10 = 10,000 people per district

Deviation is determined by measuring the amount by which a district is larger (has a positive "+" deviation) or smaller (has a negative "-" deviation) than the ideal district size.

b. Calculating Relative Deviation from Ideal District Size

Relative deviation is the percentage deviation in population of an individual district from the ideal district. Relative deviation is calculated by dividing the total deviation in population of a district from the ideal district population by the ideal population:

Population Difference From Ideal District Population / Ideal District Population = Relative Deviation

For example, if there is a 500 person deviation in a district from the ideal population of 10,000 people, the relative deviation is calculated as follows:

500 (population in district compared to ideal population) / 10,000 (ideal population) = 5%

c. Overall Deviation Range

Once the relative deviation is calculated for each individual district, the overall deviation range ("overall range") is determined. The "overall range" is calculated by determining the percentage difference in relative deviation between the districts in a county with the highest and lowest relative deviation.

For example, if the highest and lowest relative deviations are +5% and –4% respectively, the overall range is 9%.

2. Overall Range Deviation And Constitutionality Of Redistricting Under The "One Person-One Vote Rule"

Courts use the "overall range" deviation to determine the population equality of a districting plan and whether the plan meets the "one-person one-vote" equal population standard.

a. The 10% Rule

The general rule that courts have applied in evaluating the constitutionality of a redistricting plan for legislative districts is that districts should have an overall population range deviation of no more than 10%. An overall range deviation of less than 10% in a redistricting plan has become synonymous with one that is "substantially equal" in population. Accordingly, deviations below 10% in overall range are generally presumed to be constitutional. Deviations above 10% in overall range are presumed to be unconstitutional.

b. The 10% Rule is Not a "Safe Harbor"

An overall range deviation of less than 10% does not prevent a redistricting plan from being attacked on equal protection "one person-one vote' grounds. Although deviations of less than 10% in a redistricting plan are presumed constitutional, a court will not uphold a deviation even if it is less than 10% if there is evidence that the

redistricting was done for the purpose of minimizing or enhancing the voting weight of a specific population or interest group.

The seminal case relating to a challenge to a redistricting plan with an overall deviation of less than 10% is *Larios* v. Cox, 300 F.Supp.2d 1320 (N.D.Ga. 2004), aff'd., 542 U.S. 947 (2004). In *Larios*, the United States Supreme Court rejected an invitation to create a "safe haven" for population deviations less than 10% without regard to the reasons for the deviation. The Court stated:

> *In challenging the District Court's judgment, appellant invites us to weaken the one-person, one-vote standard by creating a safe harbor for population deviations of less than 10 percent, within which districting decisions could be made for any reason whatsoever. The Court properly rejects that invitation.*

The Supreme Court in *Larios* affirmed the district court's decision which struck down a redistricting plan on equal protection "one person-one vote" grounds even though the overall range deviation was less than 10%. In striking down the redistricting plan, the Court found that the Georgia General Assembly had systematically and intentionally drawn lines to disfavor Republican candidates. The unlawful conduct cited by the Court included the following:

- an intentional effort to allow incumbent Democrats to maintain or increase their delegation, primarily by systematically under populating the districts held by incumbent Democrats, by overpopulating those of Republicans;
- deliberately drawing districts to pit Republican incumbents against each other in an obviously purposeful attempt to unseat as many of them as possible;
- oddly shaped Republican districts; or
- population deviations did not result from any attempt to create districts that were compact or contiguous, or to keep counties whole, or to preserve the cores of prior districts.

The lesson to be learned from *Larios* is that redistricting should always be done with the traditional redistricting concepts in mind. Efforts to systematically and intentionally draw districts in a manner to favor one particular political or social group over another will be subject to challenge and may, as with the redistricting plan in *Larios*, be struck down despite having an overall range deviation of less than 10%.

c. Justifying Deviations Greater than 10%

A county can justify a deviation greater than 10% based on traditional redistricting concepts. In addressing acceptable deviations involving local government redistricting, the United States Supreme Court in *Abate v. Mundt*, 403 U.S. 182, 185 (1971) recognized that *slightly greater deviations* may be acceptable in local government redistricting due to the often smaller geographic size of local political subdivisions and the unique political and community circumstances often present at the local level . In *Abate*, the Court upheld a plan for a county board of supervisors that had a total population deviation of 11.9% because the deviation was supported by the state's long history of having the same individuals hold the governing positions in a county and its towns and because there was no indication that the plan "was designed to favor particular groups." In explaining its decision, the Court stated:

> *The facts that local legislative bodies frequently have fewer representatives than do their state and national counterparts and that some local legislative districts may have a much smaller population than do congressional and state legislative districts, lend support to the argument that slightly greater percentage deviations may be tolerable for local government apportionment schemes. Of course, this Court has never suggested that certain geographic areas or political interests are entitled to disproportionate representation. Rather, our statements have reflected the view that the particular circumstances and needs of a local community as a whole may sometimes justify departures from strict equality.*

The key in being able to support an overall range deviation of greater than 10% is demonstrating that the deviation was justified by a "rational policy." In almost all circumstances, this will be accomplished by

demonstrating that district lines were drawn in accordance with and in an attempt to preserve the boundaries of political subdivisions. Other factors that courts will examine in reviewing the fairness of a plan include contiguity and compactness of districts and efforts to preserve communities of interest.

In summary, the key for local officials to satisfy the "one person-one vote" standard is to develop supervisory district plans that keep the overall range below 10%. When district plans exceed this threshold, local officials should be prepared to justify the overall deviation by showing that the districts were created based on legitimate, consistently applied and nondiscriminatory redistricting policies.

Minority Populations and Considerations of Race in Redistricting

1. Dilution and Methods of Dilution

   Vote dilution, as opposed to vote denial, refers to the use of redistricting plans and other voting practices that *unlawfully minimize or cancel out* the voting strength of racial and other minorities. There generally are three methods of dilution, "fracturing," "stacking," and "packing" which are described in further detail below:

   a. Fracturing. Fracturing refers to the practice of drawing district lines so that minority members are dispersed among as many districts as possible to ensure that the members remain the minority in each district.

   b. Stacking. Stacking refers to the practice of drawing district lines to combine concentrations of minority population with greater concentrations of white majority population to ensure that the members remain a minority in each district.

   c. Packing. Packing refers to drawing district boundary lines so as to concentrate as many minorities as possible in as few districts as possible in order to minimize the number of majority-minority districts.

2. Section 2 of the Voting Rights Act: Prevention of Unlawful Voting Practices Including Dilution

   a. General Purpose

      Section 2 of the Voting Rights Act is designed to prevent dilution of voting strength of racial and other minorities through redistricting. Section 2 provides that a voting practice, such as redistricting, is unlawful if it "results" in discrimination, *i.e., if, based on the totality of circumstances*, it provides minorities with "less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice."

      Importantly, intent not to discriminate will not save a redistricting plan from challenge. *The test is whether the redistricting plan will have the effect of diluting minority voting strength, not whether it was enacted with intent to discriminate.* The language of section 2 reflects this test:

      > *A violation of [§2] is established if, based on the totality of the circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by [§2] in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: Provided, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.*

      Importantly, Section 2 does not create a right of proportional representation for minorities, i.e. a right to have members of a protected class elected in numbers equal to their proportion in the population. The ultimate question to be answered under a Section 2 challenge is whether the minority has been denied an equal opportunity to participate and elect candidates of its choice.

   b. Scope

      Section 2 of the Voting Rights Act can apply to any jurisdiction in any state. It enables a person filing suit to prove a violation of Section 2 if, as a result of the challenged practice or structure, plaintiffs did not have an

equal opportunity to participate in the political process and to elect representatives of their choice. This will often be established by demonstrating that district lines were drawn in a way to dilute or fragment an otherwise cohesive, compact district in which a minority would have the majority of the votes and be able to select a candidate of its choice.

When it was first enacted, the Voting Rights Act prohibited discrimination based on "race or color." In 1975 Congress extended the protection of the act to language minorities, defined as American Indians, Asian-Americans, Alaskan Natives, and persons of Spanish Heritage. Consequently, under Section 2, a governing body may not create districts that result in the denial or abridgment of any U.S. citizen's right to vote on account of race, color or status as a member of a language minority group.

c. Establishing a Section 2 Violation

(1) Threshold Requirements for Liability

In order to assist in evaluating challenges to redistricting plans under Section 2 of the Voting Rights Act on grounds of dilution, the United States Supreme Court in *Thornburg v. Gingles*, 478 U.S. 30, 44 (1986), established three preconditions that a plaintiff must prove before a court will proceed to a detailed analysis of a redistricting plan:

- It is sufficiently large and geographically compact to constitute a majority in a single-member district;
- It is politically cohesive; and
- In the absence of special circumstances, bloc voting by the white majority usually defeats the minority's preferred candidate.

In order to satisfy the first factor, the minority must make up 50% plus 1 of the voting age population (VAP) in a district on the theory that only those of voting age have the potential to elect candidates of their choice within the meaning of Section 2. The Supreme Court affirmed this view in *Bartlett v. Strickland*, 129 S.Ct. 1231 (2009) by holding that: "Only when a geographically compact group of minority voters could form a majority in a single-member district has the first *Gingles* requirement been met."

With respect to the "compactness" element of the first factor, the Supreme Court has ruled that a district complies with Section 2 if it is *reasonably* compact and regular, taking into account traditional redistricting principles. There is no set formula for determining compactness. Most courts have applied an "eyeball" test to determine compactness, i.e., if a district looks reasonably compact and is similar in shape to other districts it is deemed compact within the meaning of Section 2 and the first *Gingles* factor.

In order to satisfy the "cohesion" factor, the Supreme Court held in *Gingles* that political cohesion can be shown by evidence "that a significant number of minority group members usually vote for the same candidates." Later in the opinion, the Court stated that racial bloc voting and political cohesion could be shown "where there is 'a consistent relationship between [the] race of the voter and the way in which the voter votes.'" Notably, the cohesion factor does not require a minority group to vote for a minority candidate or a candidate of any specific race—minorities only need to vote for the same candidates.

The third *Gingles* factor (whether white bloc voting is "legally significant") is satisfied if the majority votes sufficiently as a bloc to enable it "usually" to defeat the minority's preferred candidate. The fact that some minority candidates may have been elected does not foreclose a Section 2 claim. Instead, where a challenged districting plan works to dilute the minority vote, it cannot be defended on the ground that it occasionally benefits minority voters.

(2) Totality of the Circumstances

Once these three preconditions are satisfied, the Court must consider several additional "objective factors" in determining the "totality of the circumstances" surrounding an alleged violation of Section 2. These factors, as outlined by the United States Supreme Court in *Gingles*, include:

- the extent of any history of official discrimination in the state or political subdivision that touched the right of the members of the minority group to register, to vote, or otherwise to participate in the democratic process;
- the extent to which voting in the elections of the state or political subdivision is racially polarized;
- the extent to which the state or political subdivision has used unusually large election districts, majority vote requirements or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group;
- if there is a candidate slating process, whether the members of the minority group have been denied access to that process;
- the extent to which members of the minority group in the state or political subdivision bear the effects of discrimination in such areas as education, employment and health, which hinder their ability to participate effectively in the political process;
- whether political campaigns have been characterized by overt or subtle racial appeals;
- the extent to which members of the minority group have been elected to public office in the jurisdiction;
- whether there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the members of the minority group; and
- whether the policy underlying the state or political subdivision's use of such voting qualifications, prerequisite to voting, or standard, practice or procedure is tenuous.

See Gingles, 478 U.S. at 36-37.

Consideration of the "totality of the circumstances" in addition to satisfaction of the three preconditions for liability ultimately will determine whether a redistricting plan will be struck down under Section 2. In the end, the court will determine whether a redistricting plan provides *minorities with "less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice."*

The lesson of *Gingles* is a relatively simple one for counties and other local governments. In instances where a county potentially has a minority majority district which satisfies three preconditions for liability under Section 2 as well as circumstances which suggest that minorities have been historically underrepresented in the political process, a county should take careful steps to ensure that it does not dilute the voting interest of the minority in drawing district lines.

3. Drawing Districts to Protected Minority Interests

In creating a majority minority district, the percentage of minorities required to provide minority voters with a fair chance to elect their candidate must be considered. In making this determination, information about differences between the majority and minority population regarding voter registration, past voter participation, and, especially, voting age population needs to be examined.

While it is clear that the district must have a minority voting age population of 50% or more, the percentage over 50% that is required is more uncertain. Based on current precedent, there is no fixed percentage of minority

population that translates into an effective voting majority. Interestingly, placing too large of a percentage of minorities in a district in order to create a minority majority district may result in allegations of dilution of the minority vote through "packing."

The percentage of minority voters assigned to a district must be based on empirical evidence rather than an arbitrarily applied formula. Also, counties should be careful to follow the traditional redistricting principles of compactness, contiguity and respect for political subdivisions in drawing minority districts. Lacking empirical evidence or focusing solely on race in creating a majority-minority district will result in a district is unlikely to survive a judicial challenge as more particularly discussed in the next section.

4. *Shaw v. Reno*: Restricting Consideration of Race as a Predominant Factor in Redistricting

The United States Supreme Court has placed strict limits on the manner in which race may be considered in redistricting. In *Shaw v. Reno*, 509 U.S. 630 (1993), the Court found that where racial considerations predominate in the redistricting process to the subordination of traditional non-race based factors, the redistricting will be subject to a strict scrutiny test whereby the local government must demonstrate that race based factors were used in furtherance of a compelling state interest, such as compliance with the Voting Rights and where the local government applied race based factors in a "narrowly tailored" manner to achieve this interest. Under *Shaw*, when a county or local government creates majority-minority district without regard to traditional districting principles, the district will be subject to strict scrutiny and probably will be struck down.

The decision in *Shaw* recognizes that the purpose of the equal protection clause is to prevent governmental bodies from discriminating on the basis of race. Thus, if in redistricting, a county focuses solely on race in order to create a minority majority district without regard to traditional redistricting principles and creates a minority majority district where none is warranted, the redistricting plan will be found unconstitutional on equal protection grounds.

Decisions following *Shaw* have established the following principles regarding the use of race in redistricting:

- race may considered as a factor along with other traditional factors;
- race may not be considered as the predominant factor in redistricting to the detriment of traditional redistricting principles;
- bizarrely shaped districts are not unconstitutional *per se* but may be evidence that race was the predominant consideration in redistricting;
- If race is the predominant consideration in redistricting, the redistricting will pass scrutiny only if it is "narrowly tailored" to address a compelling government interest, i.e., the redistricting will use race no more than as necessary to address the compelling government interest.

In light of *Shaw* and the cases that followed it, local governments should be careful to adopt and apply redistricting criteria that fairly consider race, as well as traditional redistricting factors. These criteria should include:

- use of identifiable boundaries;
- maintaining communities of interest;
- basing the new plan on existing districts;
- adopting districts of approximately equal size;
- drawing districts that are compact and contiguous;
- keeping existing representatives in their districts; and
- when considering race, narrowly tailor to comply with the Voting Rights Act.

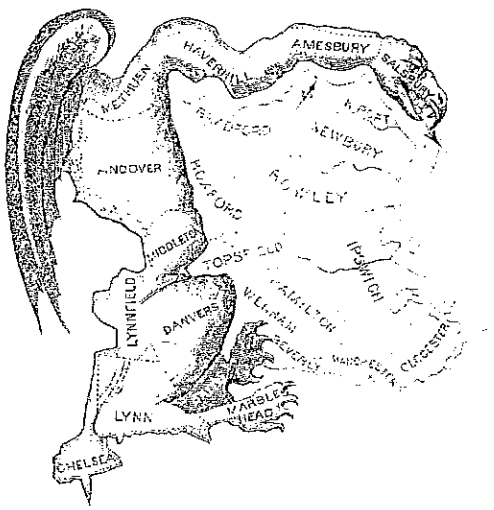
While the Supreme Court in *Shaw v. Reno* limited the use of race in redistricting, it recognized that race should not be excluded as a factor in redistricting. It remains impermissible for counties and other governmental entities to use redistricting to unlawfully minimize or cancel out minority voting interests. Rather, race should have equal standing with traditional districting principles when legislators or other government officials develop district plans.

Partisan Gerrymandering

1. Gerrymandering Defined

Partisan gerrymandering is the process where the majority party draws an election district map with district boundary lines that give itself an unfair and undeserved numerical vote advantage during each election.[10] This numerical advantage is obtained by maximizing the number of districts in which the majority of voters are aligned with the majority party, i.e., the party with a majority of seats in the state legislature or other local governing body.

The strategies used in a partisan gerrymander are very similar to those used to dilute minority and racial voting interests. A gerrymandered redistricting map concentrates minority party voters into the fewest possible number of election districts (packing), distributes minority party voters among many districts so their vote will not influence the election outcome in any one district (vote dilution), and/or divides incumbent minority party legislator districts and constituents up among multiple new districts with a majority of majority party voters (fracturing). In some gerrymander cases, multiple minority party incumbents are forced to run against each other in the same district. Bizarre, irregular and oddly shaped district boundaries are often the hall mark of gerrymandered districts.



First printed in March 1812, this political cartoon was drawn in reaction to the state senate electoral districts drawn by the Massachusetts legislature to favor the Democratic-Republican Party candidates of Governor Elbridge Gerry over the Federalists. The caricature satirizes the bizarre shape of a district in Essex County, Massachusetts as a dragon. Federalist newspapers editors and others at the time likened the district shape to a salamander, and the word gerrymander was a blend of that word and Governor Gerry's last name.

Originally published in the Boston Centinel, 1812.

2. Equal Protection Clause

The Voting Rights Act does not apply to conduct that has the effect of diluting the voting strength of partisan minorities. Partisan minorities, therefore, must look for protection under the Equal Protection Clause of the 14th Amendment of the United States Constitution. In this regard, the United States Supreme Court in *Davis v. Bandemer*, 478 U.S. 109 (1986) held that partisan gerrymandering is actionable under the Equal Protection Clause.

The *Davis* Court held that in order to prove partisan gerrymandering, a plaintiff must not only demonstrate a discriminatory purpose but also a discriminatory effect. The Court determined that "unconstitutional discrimination" occurs in partisan gerrymandering cases "when the electoral system is arranged in a manner that will consistently degrade a voter's or group of voters' influence on the political process as a whole." The Court emphasized that a finding of unconstitutionality "must be supported by evidence of continued frustration of the will of a majority of the voters or effective denial to a minority of voters of a fair chance to influence the political process." The Court noted that the requirement is not one of proportionality, i.e., district lines need not be drawn to allocate each party a share of seats in proportion to their anticipated statewide vote.

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[10] Gerrymandering is not a major concern of county officials in redistricting as Wisconsin's county board supervisors are elected in nonpartisan elections.

Chapter 4

GUIDELINES TO DECENNIAL REDISTRICTING

Redistricting is a complex process. The following guidelines will assist counties in moving forward with redistricting and in meeting their statutory obligations under Wis. Stat. § 59.10(3). Included are general time frames within which each step in the process should be completed.

Determine the Board Size and Appoint a Redistricting Committee: February 2011 And March 2011

As part of the redistricting process, county boards need to determine the number of districts that will be incorporated in the redistricting plan. By definition, this will determine the size of the county board (county boards are single member districts). If the board size is to remain the same, no action should be taken. If the board size is going to increase or decrease, the county board should adopt a resolution establishing the new number of districts and board size.

County boards must then decide who will be responsible for overseeing the process of drawing district lines. The whole board can work in this capacity, but it is more efficient to select a redistricting committee that will be tasked with the responsibility of drawing district lines. There are no restrictions on who may serve on a redistricting committee. A committee may, therefore, include county board members, representatives of affected municipalities and citizens. Considering the integral role that municipalities play in the redistricting process and the obligation of counties to solicit suggestions from municipalities in the development of the plan, it is beneficial to have one or more representatives from municipalities on the committee.

The redistricting committee is not responsible for actually drafting the redistricting plans. The actual drafting will be done by a qualified consultant retained by the county to draw the district lines, as well as possibly other county employees involved in the redistricting process. The redistricting committee is responsible for establishing the guidelines that will govern the redistricting process, as well as reviewing and making alterations to draft plans prepared by the consultant.

Establish Guidelines for Redistricting: March 2011

The redistricting committee is responsible for establishing the principles that will guide the redistricting process. The primary focus of the consultant will be on establishing a redistricting plan that focuses on substantial equal, contiguous and compact districts. The redistricting committee should determine the extent to which other traditional concepts of redistricting will be reflected in the plan including preservation of political subdivisions, communities of interest and cores of prior districts, protection of incumbent interests and consideration of minority interests, when appropriate. Additional considerations include municipal ward size restrictions, development of aldermanic districts and other municipal redistricting concerns. The redistricting committee will need to guide the consultant in the development of plans to ensure that the guidelines chosen by the redistricting committee will be reflected in the plan.

Development of a Tentative Plan: April 2011 through May 2011

Following receipt of census information, counties need to proceed forward with the preparation of a tentative plan. As indicated above, counties have sixty (60) days under statute to complete this process from receipt of the census information.

1. Suggested Timeline

   The following is a general timeline to assist in moving forward with the process:

   - Test the 2001 county plan. Using the 2010 census data, test the existing county plan. It may be possible to use the existing county plan as the basis for the tentative plan.

- Draft plan options (about two weeks).
- Review and revise plan (about two weeks).
- Select a tentative plan.
- Solicit municipal input (for split municipalities).
- Hold a public hearing – early May.
- Adopt a tentative plan - May county board meeting.

2. Tips in Developing a Tentative Plan
   - When developing the tentative county redistricting plan, try to create districts that use whole contiguous municipalities and whole contiguous parts of municipalities.
   - In the event that municipalities need to be divided, try first to divide those municipalities that are required to otherwise divide themselves under law, i.e., those with populations over 1,000. Only divide smaller municipalities when it is absolutely necessary in order to create supervisory districts that comply with the principle of "one person-one vote."
   - Whenever it becomes necessary to divide a municipality, the county must submit a request to the municipality in writing, stating the size of the required ward and location for contiguity purposes. The county plan should not impose ward lines. It should inform the municipality of the types of wards it needs for county supervisory district purposes. The county should work with the municipality to create wards that meet both the county and municipal needs.
   - Special efforts must be made when working with cities that elect the members of the common council from districts. In these cases, the wards must serve both the county supervisor district purposes and the aldermanic district purposes. Careful work and negotiation with municipalities is advisable in this process.
   - The ultimate goal of any county redistricting plan should be 0% deviation from the norm, however only districts that are *substantially equal* in population are required. With advances in mapping and redistricting software and technology, deviations below 10% (and potentially significantly lower considering the circumstances) should be readily achievable.
   - Amend the plan following the public hearing to address any issues that warrant consideration.

Creation of Municipal Wards: June 2011 through July 2011

As indicated above, every municipality in a county is required to make a good faith effort to accommodate the tentative plan submitted by the county or counties in which it is located. If a municipality is unable accommodate the tentative plan, the municipality must still divide itself into wards in a way that creates county supervisory districts that are in accordance with the population requirements of the tentative plan.

Finalization and Adoption of the Redistricting Plan: August 2011 through September 2011

The following is a timeline for completing the redistricting process following receipt of ward plans from municipalities:

- Make adjustments to tentative plan to accommodate ward plan changes.
- Hold a public hearing – August county board meeting.
- Enact a final plan – September county board meeting.

Effectiveness of the New Plan and Application to Elections

Any decennial redistricting plan takes effect on November 15, 2011 (following its enactment by the county board) and first applies to the election of supervisors at the next spring election following the effective date that immediately precedes the expiration of the terms of office of supervisors in the county.

Chapter 5

MID-TERM REDISTRICTING

Section 59.10(3)(cm) governs mid-term redistricting, i.e., changes made during the decade following the decennial redistricting. Importantly, the only action that may be taken mid-term is a *reduction in board size* and corresponding redrawing of district lines to reflect the reduced board size. A board may also adjust districts to reflect such things as annexation but may not increase or reduce the number of districts. The traditional concepts of redistricting and legal concerns outlined in this guide apply in drawing mid-term district lines.

Reduction in Board Size

1. Procedure for Mid-Term Redistricting to Reduce Board Size: Initiation by the Board

   a. Timing and Procedure

   Under Wis. Stat. § 59.10(3)(cm), a county board may, any time after the enactment of the decennial supervisory district plan, *decrease* the number of supervisors. Following the adoption of a resolution to reduce the size of the board, the board is required to redistrict, readjust and change the boundaries of supervisory districts so that: (1) the number of districts equals the number of supervisors, (2) the districts are substantially equal in population according to the most recent countywide federal census, (3) the districts are in as compact a form as possible, and (4) the districts consist of contiguous whole wards in existence at the time the redistricting plan is adopted.

   In the redistricting plan, the board must adhere to statutory requirements with regard to contiguity and must, to the extent possible, place whole contiguous municipalities or contiguous parts of the same municipality within the same district. In mid-term redistricting the original numbers of the districts in their geographic outlines, to the extent possible, must be retained.

   b. A Board May Not Mid-Term Redistrict if a Petition for Redistricting or Referendum for Mid-Term Redistricting is Pending

   A county board *may not* enact a mid-term redistricting plan during the review of a petition or referendum to decrease the size of the county board. However, if the electors of the county reject a change in the number of supervisory districts by referendum, the board may proceed with mid-term redistricting as outlined above.

2. Petition and Referendum to Reduce Board Size Mid-Term

   a. Timing

   The electors of a county may, by petition and referendum, *decrease* the number of supervisors at any time after the first election is held following enactment of a decennial supervisory district plan. This means that the electors cannot initiate action to revise the board's decennial supervisory district plan until after the April 2012 elections, i.e., "the first election held following enactment of the supervisory district plan."

   b. Procedure

   (1) Initial Petition. A petition for a change in the number of supervisors may be filed with the county clerk. Prior to circulating a petition to decrease the number of supervisors in any county, the petitioner must register with the county clerk, giving the petitioner's name and address and indicating the petitioner's intent to file such a petition. No signature on a petition is valid unless the

signature is obtained within the 60-day period following registration. The petition must specify the proposed number of supervisors to be elected.

(2) Alternate Petition. Within 14 days after the last day for filing an original petition, any other petitioner may file an alternative petition with the county clerk proposing a different number of supervisors to be elected. If the petition is valid, the alternative proposed in the petition must be submitted for approval at the same referendum. An alternative petition is subject to the same registration and signature requirements as an original petition.

(3) Petition Requirements. Each petition must conform to the requirements of Wis. Stat. § 8.40. It also must contain a number of signatures of electors of the county equal to at least 25% of the total votes cast in the county for the office of supervisor at the most recent spring election preceding the date of filing. The county clerk is responsible for determining the sufficiency of a petition.

(4) Referendum. Once the county clerk determines that one or more petitions are sufficient, the county clerk must call a referendum concurrently with the next spring or general election in the county that is held not earlier than 42 days after the determination is made. If the referendum is approved by a majority of the electors voting on the referendum, the board must enact an ordinance prescribing revised boundaries for the supervisory districts in the county in accordance with the referendum. The districts created by the board are subject to the same requirements that apply to decennial redistricting. The county clerk must file a certified copy of any redistricting plan enacted under this subdivision with the Wisconsin secretary of state.

3. Limitation on Mid-Term Redistricting to Reduce Board Size: Only Once a Decade

Under Wis. Stat. § 59.10(cm)(3), if the number of supervisors in a county is decreased by the board or by petition, no further action may be taken by the board or by petition until after enactment of the next decennial supervisory district plan.

Mid-term Changes Due to Municipal Boundary Adjustments: No Changes in the Number of Supervisory Districts

After the enactment of a decennial supervisory plan, a municipal incorporation, annexation, detachment or consolidation may serve as a basis for altering the boundaries of supervisory districts between federal decennial censuses. The modification may be made at the discretion of the county board. The number of supervisory districts in the county may not be changed.

Chapter 6

RESOURCES & CONTACTS

U.S. CENSUS BUREAU

The U.S. Census Bureau is the source of the data that will become the basis of redistricting plans at every level of government. This data first began to be released in December 2010. It is expected that in March 2011 a data release more specifically intended for redistricting will be released. The data page of their website is located at http://2010.census.gov/2010census/data/.

STATE OF WISCONSIN

WISE-LR

The state of Wisconsin has prepared a proprietary data and mapping tool that will allow local governments to use Census Bureau data in creating and considering potential redistricting plans. The system is called the Wisconsin Shape Editor for Local Redistricting, or WISE-LR.

The process for updating WISE-LR from its 2001 version included a pilot program that was open to Wisconsin counties. Of the 72 Wisconsin counties, the WISE-LR website indicates that 58 participated as pilot counties. The website includes a map showing counties' status in the WISE-LR project and can be accessed at the following url: http://legis.wisconsin.gov/ltsb/wiselr/.

Legislative Reference Bureau (LRB)

In 2001 the state of Wisconsin Legislative Reference Bureau (LRB) issued three memos that will be of interest to local officials involved in redistricting. It is expected that re-issues of these memos will be made during 2011.

- "Guidelines for Adjusting Municipal Wards Following the 2000 Federal Census," released April 16, 2001
- "A Guide to Legislative Redistricting," LRB Informational Bulletin 02-1, released February 2002
- "Wisconsin Redistricting Chronology, 1950-2002", LRB Informational Memorandum 10-4, released July 2010 (this memo is current for 2011)

The LRB's website can be found at the following url: http://legis.wisconsin.gov/rsb/

WISCONSIN COUNTIES ASSOCIATION

John Reinemann, Legislative Director, *jreinemann@wicounties.org*; Sarah Diedrick-Kasdorf, Senior Legislative Associate, *diedrick@wicounties.org*; David Callendar, Legislative Associate, *callendar@wicounties.org*
22 East Mifflin Street, Suite 900 • Madison, WI 53703 • 1.866.404.2700
www.wicounties.org

PHILLIPS BOROWSKI, S.C.

Andrew T. Phillips, Daniel J. Borowski, Patrick C. Henneger
10140 N. Port Washington Road
Mequon, WI 53092
262.241.7788 • info@phillipsborowski.com
www.phillipsborowski.com

UW Extension FACT SHEET
Cooperative Extension – Kenosha County
January, 2011

Redistricting for Local Officials

This fact sheet provides a general overview of the redistricting process for Wisconsin's local government officials. This summary includes a process timeline and resources for obtaining more information.

A National Perspective

The U.S. Census Bureau released the first data from Census 2010 in December 2010. The country's 22nd decennial census figures showed that the nation's resident population on Census Day, April 1, 2010, was 308,745,538, a 9.7% increase over the 2000 count.

Census 2010 and Reapportionment

As established by Article 1, Section 2 of the Constitution of the United States, the census is the basis for determining the number of representatives each state has in the U.S. House of Representatives. Congress determines the number of seats in the House of Representatives, which is currently set at 435. The process of dividing the 435 seats among the 50 states is known as apportionment.

As was the case 10 years ago, Census 2010 shows that the greatest population growth has occurred in the South (14.3%) and West (13.8%), while there was slower growth in the Northeast (3.2%) and Midwest (3.9%).Nevada had the highest population growth (35.1%). Michigan was the only state to lose population over the last decade (-0.6%). Wisconsin's 2010 population was 5,686,986, an increase of 6%.

Shifts in population among the states mean that some states will gain or lose congressional seats. In 2011, Arizona, Georgia, Nevada, South Carolina, Utah, and Washington will all gain one seat; Florida will gain two; and Texas will gain four. States that are losing one representative include Iowa, Louisiana, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, and Pennsylvania. Illinois and Ohio are each losing two seats. Wisconsin will continue to have eight members of Congress, meaning each congressional district in Wisconsin will have approximately 710,873 people.

Redistricting

Redistricting is the process of revising the geographic boundaries within a state from which people elect their representatives to the U.S. House of Representatives, state legislature, county board, city council, and school board.

Although this process involves all levels of government, the creation of congressional, legislative, county, and municipal districts are completed separately.

The process begins with the adjustment of municipal wards, the building blocks used to form election districts. Wisconsin law requires all cities, villages, and towns with populations of 1,000 or more to establish wards. Although towns and villages of 1,000 or more must establish wards, their board members continue to be elected at large. Municipalities will receive the necessary population data in April, 2011.

In the fall of 2011, state legislators will begin the process of redrawing Wisconsin's 33 senate and 99 assembly districts.

Redistricting at the Local Level

The three-step process for municipal and county redistricting requires cooperation and coordination among counties and their related municipalities. This process begins at the county level, moves to the municipal level, and finally culminates with county adoption of supervisory districts and city adoption of aldermanic districts. Each of the three phases is comprised of a sixty-day work period.

Three-Step Process

Step One: Within sixty days of receiving the census data, county boards will submit a tentative County Supervisory District Plan to each municipality in the county. Each county board is required to hold a public hearing on the tentative plan and to solicit suggestions from both the municipalities and the general public. The tentative plan may be amended after the public hearing to incorporate the suggestions. A copy of the tentative plan is then sent to the municipalities within the county. *This step must be completed no later than July 1, 2011.*

Step Two: Municipalities adjust ward boundaries in line with the proposed county supervisory district plans. The wards established govern the adjustment of supervisory districts. An ordinance or resolution describing ward boundary lines must be adopted.

Step Three: Within sixty days of receiving municipal ward adjustments, counties are required to adopt final supervisory district plans consisting of whole municipal wards. Cities must also establish aldermanic district plans. In order to adopt a final county plan, a public hearing is required. Following adoption of the plan, each county must file a copy with the secretary of state.

Redistricting Timetable

April, 2011	Population data distributed to local governments
June	Counties adopt tentative supervisory plans (no later than July 1)
August	Municipalities adopt ward plans
October	Counties establish supervisory districts
October	Cities establish aldermanic districts
Winter, 2011-2	State establishes legislative and congressional districts
April, 2012	County board and municipal elections with new districts

Guiding Principles and Considerations

What makes the redistricting process and the resulting plan fair and legal? There are several key points for redistricting committees and staff to keep in mind:

Population sizes in aldermanic and supervisory districts should be substantially equal: While "substantially equal" is not clearly defined in federal or state law, there is precedent for supporting the plan with the lowest deviation. In order to minimize boundary changes in 2021, some municipalities may consider placing fewer people in a ward that may be considered a high growth area. Deviation from a district's "ideal population" must be justified by attempts to accomplish one of the goals below.

Aldermanic and supervisory districts should be compact: "Compact" is another term that can be defined in a variety of ways. Frequently, municipalities will attempt to draw boundary lines that follow geographic features, roads, or neighborhood boundaries. Doing so is often easier said than done. However, it is important to avoid "gerrymandering." The term gerrymandering dates back to 1812 when, to favor his political party, Massachusetts governor Elbridge Gerry created an election district that resembled a salamander.

Districts should respect communities of interest: The Voting Rights Act provides that a citizen's right to vote shall not "be denied or abridged" on account of race or color. These populations should have as much opportunity as possible to elect representatives who reflect their backgrounds and interests. Once again, gerrymandering should be avoided.

When possible, aldermanic and supervisory boundaries should retain the core of existing districts: Political turmoil will be minimized if continuity and composition of districts are maintained. By doing so, incumbents will not be forced to run against one another or seek re-election by voters who were formerly part of another district.

Cooperation: Last but not least, every effort should be made to encourage cooperation between the county and municipalities. Given the time constraints of the process, politics, and limited staffing resources, education and communication from the beginning of the process through its completion are necessary.

Mapping It Out

For the most part, technical staff working on the mapping of boundaries will use a software program called Wisconsin Shape Editor for Local Redistricting, or WISE-LR. This software program will allow technical staff to assign census blocks and population data to build plans for supervisory districts, aldermanic districts and municipal wards. The software can help generate alternative plans for comparison.

It is important for local officials to remember that the mapping process and options are a "work in progress" and that the technical staff should not advocate one option over another. Ultimately, each redistricting committee will receive input about the boundary options in a variety of ways and will make a final decision that minimizes unwanted changes.

Road Shows

Local officials and technical staff will have the opportunity to attend one of several redistricting educational programs offered throughout the state during April 2011. These "road shows" are being conducted by the Legislative Reference Bureau, the Legislative Technology Services Bureau, and University of Wisconsin-Applied Population Laboratory. Information on the basic legal requirements of redistricting, description of a ward, and how to report ward boundaries will be presented. In addition, technical staff will receive hands-on training on the WISE-LR application. Further information and registration forms are available by calling (608) 265-9545, or at the WISE-LR website: *http://www.legis.state.wi.us/wiselr/*

Information and Resources

Redistricting Contacts:

Michael Keane, Senior Legislative Analyst
Wisconsin Legislative Reference Bureau
(608) 266-0346

Dan Hill, Professor
Local Government Center, UW-Extension
(608) 265-2852

Dan Veroff, Demographic Specialist
Applied Population Laboratory, UW-Extension
(608) 265-9545

Web-based Resources:

For the state resource page on redistricting:
http://www.legis.state.wi.us/ltsb/redistricting/

For guidelines regarding the adjustment of municipal wards: *http://www.legis.state.wi.us/lrb/pubs/ib/01ib3.pdf*

This Fact Sheet Was Prepared by:

Annie Jones, Professor, Community Development Educator
Kenosha County UW-Extension

Edited by Dan Veroff, Michael Keane and Dan Hill

Rock County Supervisory Districts

2011 Redistricting Summary

The primary reason for conducting the Census of Population every ten years is to adjust the representation of elected officials at the local, state and national levels. The most important standard to achieve is "one person, one vote" among the districts that compose the jurisdiction. The objective used to achieve this standard is "substantial equality of population" of the representative districts within a jurisdiction. The target population for each representative district is the total population of the jurisdiction divided by the number of districts. "Substantial equality of population" is generally accepted to be, as a result of numerous Supreme Court cases, no more than 10% total deviation (no more than 5% above or 5% below) from the target population. It should be noted that the generally accepted 10% does not mean that the constitutionality of a plan will not be challenged or upheld.

In 2000, the "substantially equal objective" was set very narrowly to 0.5% of the target population. The numbers broke down this way:

2000 Rock County Population 152,307
Number of County Board Supervisors 29
Target Population 5,252
Objective to get within +/- 0.5% ..... +/- 26 people

If we assume the same number of Supervisory Districts for 2010 and that "substantially equal" to be within 10% total deviation (no more than 5% above or 5% below)

2010 Rock County Population 160,331
Number of County Board Supervisors 29
Target number of People per Supervisory District 5,529
Substantially equal (+/- 5%) ..... +/-276
Target Population Range 5,253-5,805

Total population increase 8,024

2010 Target number of People per Supervisory District 5,529
2000 Target number of People per Supervisory District 5,252

Average increase of population in each Supervisory District 277

Timeline

March 28 - April 1, 2011
Redistricting data and WISE-LR application will be distributed to counties for creation of the Supervisory Districts. The Federal deadline for the delivery is on or before April 1, 2011. The County has 60 days from the time the County Clerk receives the data from the State of Wisconsin Legislative Technology Services Bureau to create a tentative Supervisory District plan, hold a public hearing and adopt the proposed plan before being transmitted to the municipalities.

May 2011
Public hearing and approval of the tentative Supervisory District plan.

June 2011
The tentative Supervisory District Plan must be distributed to municipalities for creation of the ward plan map. The municipalities have 60 days to draw wards lines, enact or adopt an ordinance or resolution creating wards in accordance to the tentative Supervisory District plan, and forward it to the County.

August 2011
The County has 60 days from receipt of all of the municipalities to review the wards and number districts.

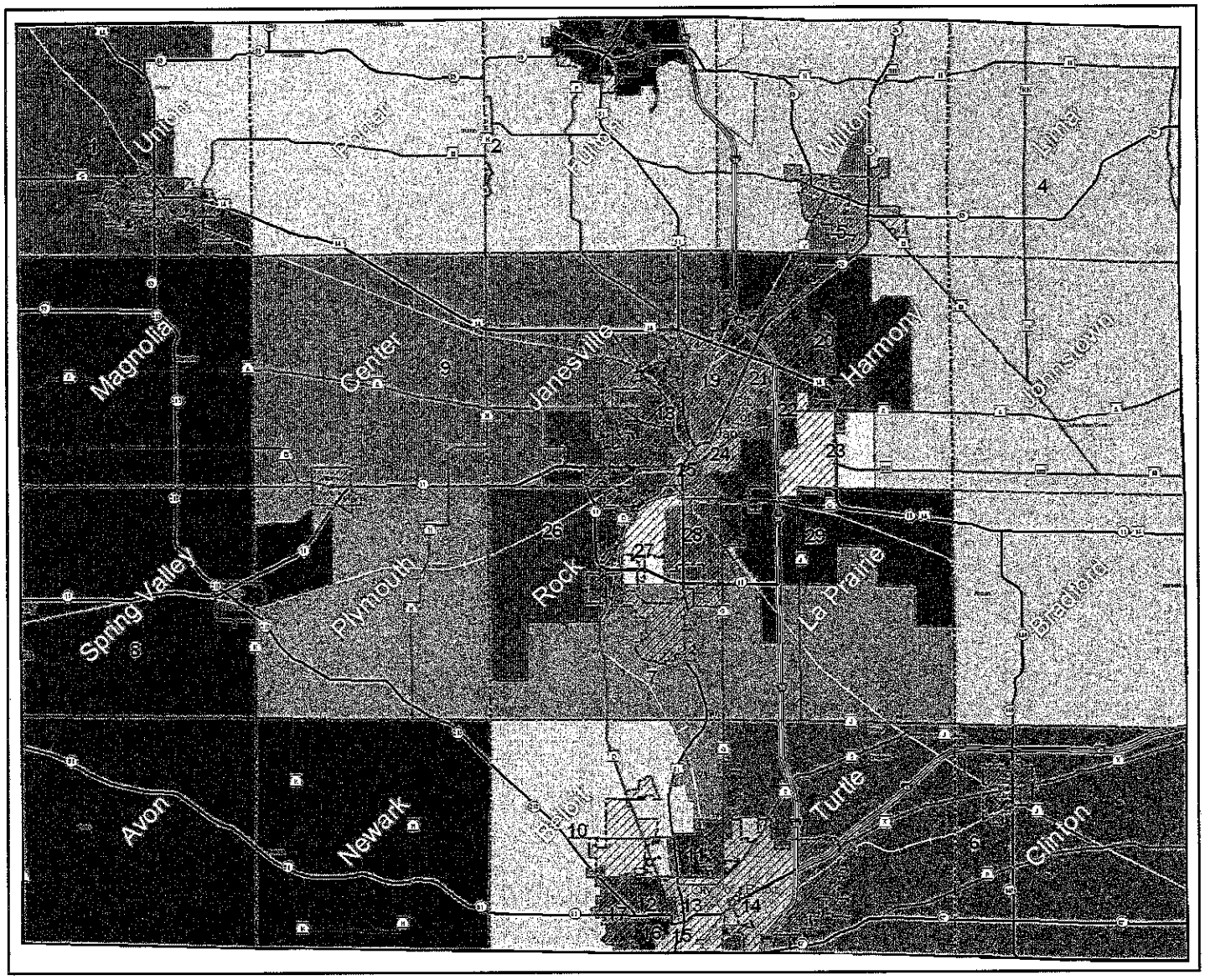
September 2011
Public hearing and approval of the Final Supervisory District Map and submittal to the Secretary of State by the County Board Chair.

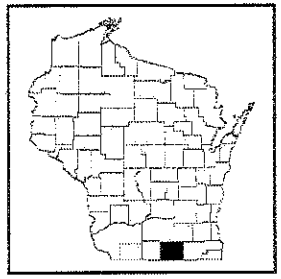
References

WCA 2011 County Redistricting Guide
Wisconsin State Statues Chapters 5 and 59

Supervisory Districts

Rock County, Wisconsin [12/2008]





Supervisory Districts

1	11	21
2	12	22
3	13	23
4	14	24
5	15	25
6	16	26
7	17	27
8	18	28
9	19	29
10	20	

- Township Boundary
- County Road
- State Highway
- Interstate Highway
- Cities and Villages

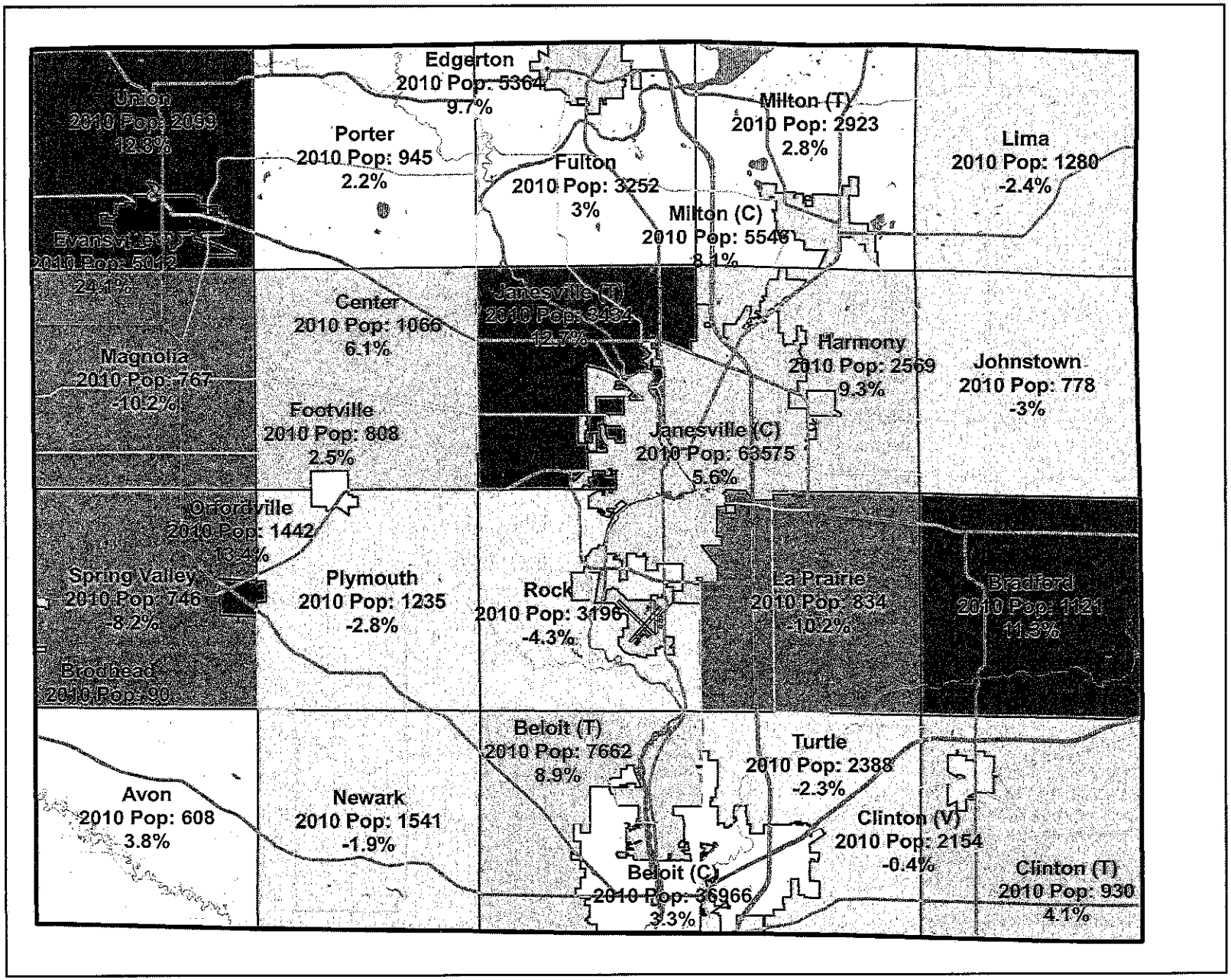
0 1 2 3 4
Miles

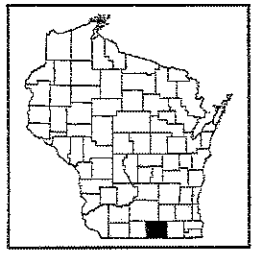
Rock County Geographic Information Systems (GIS
Planning, Economic and Community Development Agency
51 S Main St, Janesville, WI 53545
(TEL) 608-757-5587, (FAX) 608-757-558
email: Planning@co.rock.wi.us

Data Sources: Rock County Planning and Development Agency.

Population 2010

Rock County, Wisconsin





Percent Change
2000-2010

- -10.2 - -8.2
- -8.1 - 0.0
- 0.1 - 3.8
- 3.9 - 9.7
- 9.8 - 13.4
- 13.5 - 24.1
- Rivers, Lakes, and Ponds

Roads

- County Trunk
- Highway
- Interstate

0 1 2 3 4
Miles

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Data Sources: Rock County Planning and Development Agency, US Census Bureau

Table 1: Sorted by Municipality

	2000	2010	Change	Percent Change
Town of Avon	586	608	22	3.8%
Town of Beloit	7,038	7,662	624	8.9%
Town of Bradford	1,007	1,121	114	11.3%
Town of Center	1,005	1,066	61	6.1%
Town of Clinton	893	930	37	4.1%
Town of Fulton	3,158	3,252	94	3.0%
Town of Harmony	2,351	2,569	218	9.3%
Town of Janesville	3,048	3,434	386	12.7%
Town of Johnstown	802	778	-24	-3.0%
Town of La Prairie	929	834	-95	-10.2%
Town of Lima	1,312	1,280	-32	-2.4%
Town of Magnolia	854	767	-87	-10.2%
Town of Milton	2,844	2,923	79	2.8%
Town of Newark	1,571	1,541	-30	-1.9%
Town of Plymouth	1,270	1,235	-35	-2.8%
Town of Porter	925	945	20	2.2%
Town of Rock	3,338	3,196	-142	-4.3%
Town of Spring Valley	813	746	-67	-8.2%
Town of Turtle	2,444	2,388	-56	-2.3%
Town of Union	1,860	2,099	239	12.8%
Unincorporated Total	*38,048*	*39,374*	*1,326*	*3.5%*
City of Beloit	35,775	36,966	1,191	3.3%
City of Brodhead	0	90	90	
City of Edgerton	4,891	5,364	473	9.7%
City of Evansville	4039	5,012	973	24.1%
City of Janesville	60200	63,575	3,375	5.6%
City of Milton	5,132	5,546	414	8.1%
City Total	*110,037*	*116,553*	*6,516*	*5.9%*
Village of Clinton	2,162	2,154	-8	-0.4%
Village of Footville	788	808	20	2.5%
Village of Orfordville	1,272	1,442	170	13.4%
Village Total	*4,222*	*4,404*	*182*	*4.3%*
Incorporated Total	*114,259*	*120,957*	*6,698*	*5.9%*
Rock County	**152,307**	**160,331**	**8,024**	**5.3%**

Table 2: Sorted by Population

	2000	2010	Change	Percent Change
City of Brodhead	0	90	90	
Town of Avon	586	608	22	3.8%
Town of Spring Valley	813	746	-67	-8.2%
Town of Magnolia	854	767	-87	-10.2%
Town of Johnstown	802	778	-24	-3.0%
Village of Footville	788	808	20	2.5%
Town of La Prairie	929	834	-95	-10.2%
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Town of Turtle	2,444	2,388	-56	-2.3%
Town of Harmony	2,351	2,569	218	9.3%
Town of Milton	2,844	2,923	79	2.8%
Town of Rock	3,338	3,196	-142	-4.3%
Town of Fulton	3,158	3,252	94	3.0%
Town of Janesville	3,048	3,434	386	12.7%
City of Evansville	4,039	5,012	973	24.1%
City of Edgerton	4,891	5,364	473	9.7%
City of Milton	5,132	5,546	414	8.1%
Town of Beloit	7,038	7,662	624	8.9%
City of Beloit	35,775	36,966	1191	3.3%
City of Janesville	60,200	63,575	3375	5.6%
Rock County	**152,307**	**160,331**	**8,024**	**5.3%**

Table 3: Sorted by Percent Change

	2000	2010	Change	Percent Change
Town of La Prairie	929	834	-95	-10.2%
Town of Magnolia	854	767	-87	-10.2%
Town of Spring Valley	813	746	-67	-8.2%
Town of Rock	3,338	3,196	-142	-4.3%
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Rock County	**152,307**	**160,331**	**8,024**	**5.3%**