

Chairperson: Supervisor Michael Mayo, Sr.
Clerk: Linda K. Durham, 278-4225
Committee Staff: Glenn Bultman, 278-5276
Rick Ceschin, 278-5003
Martin Weddle, 278-5289

MILWAUKEE COUNTY REDISTRICTING COMMITTEE

Tuesday, March 1, 2011 – 1:30 P.M.
Milwaukee County Courthouse - Room 201-B

AGENDA

1. History of Milwaukee County Board Redistricting. (Verbal report from County Board staff)
2. State requirements for Milwaukee County redistricting.
3. Federal requirements for Milwaukee County redistricting.
4. **Next Meeting Date: April 6, 2011 at 1:30 P.M.**

ADA accommodation requests should be filed with the Milwaukee County Office for Persons with Disabilities, 278-3932 (voice) or 278-3937 (TTY), upon receipt of this notice.

COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION

DATE : February 24, 2011

TO : Milwaukee County Board of Supervisors

FROM : County Board Chairman Lee Holloway

SUBJECT : Appointment of Special Milwaukee County Board Redistricting Committee

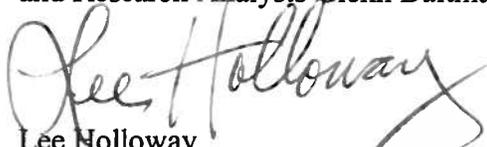
The purpose of this communication is to appoint a Special Milwaukee County Board Redistricting Committee. I am hereby appointing the following County Board Supervisors to the Special Redistricting Committee. The Committee will oversee the redistricting process and review and recommend a redistricting plan. These appointments shall be for the duration of the work of the Special Redistricting Committee.

- Supervisor Michael Mayo, Sr., Chairman
- Supervisor Gerry Broderick, Vice Chairman
- Supervisor Mark A. Borkowski
- Supervisor Willie Johnson, Jr.
- Supervisor John F. Weishan, Jr.
- Supervisor Peggy West
- Supervisor Johnny L. Thomas

Wisconsin Statutes require counties to adopt a preliminary redistricting plan no later than 60 days after receiving U. S. Census data by block. The U. S. Census Bureau must provide census data by block to Milwaukee County no later than April 1, 2011.

All meetings of the Special Redistricting Committee will be held in public. Based on conferring with Supervisor Mayo, the first meeting of the Committee will be scheduled very soon. This will be an organizational meeting during which the Committee review process will be discussed. The second meeting of the Committee will be scheduled for the afternoon of Wednesday, April 6, 2011.

Staff for the Special Redistricting Committee will include Committee Clerk Linda Durham and Research Analysts Glenn Bultman, Rick Ceschin and Martin Weddle.


Lee Holloway
Chairman, County Board of Supervisors

cc: Terrence Cooley, Chief of Staff, County Board
Linda Durham, County Board Committee Clerk
Glenn Bultman, Research Analyst
Rick Ceschin, Research Analyst
Martin Weddle, Research Analyst

59.08 COUNTRIES

in the same manner as are other elections in the county. The results of the election shall be certified to the judges of the circuit courts for the counties.

(10) If a majority of the votes cast in each county upon the question of consolidation are in favor of the consolidation of the counties, the judge of the circuit court shall enter that fact of record in each county. If in any one of the counties less than a majority of the votes cast upon the question of consolidation are in favor of the proposed consolidation, the consolidation shall be declared to have failed for all purposes. If a majority of the votes cast upon the question of consolidation in any county are opposed to consolidation, the question of consolidation shall not be again submitted to the electors of that county for a period of 2 years.

(11) At the next succeeding regular November election, held at least 60 days after the election at which consolidation is approved by the voters, there shall be elected for the consolidated county all county officers provided for by law and the officers shall be nominated as provided in ch. 6. Their terms shall begin on the first Monday of January next succeeding their election, at which time they shall replace all elective county officers of the counties that are consolidated into the consolidated county whose terms shall on that day terminate. All appointive county officers shall be appointed by the person, board or authority upon whom the power to appoint such officers in other counties is conferred. The terms of the officers shall commence on the first Monday of January next succeeding the first election of officers for the consolidated county, and shall continue, unless otherwise removed, until their successors have been appointed and qualified. The successors of all officers whose first election or appointment is provided for in this subsection shall thereafter be elected or appointed at the time, in the manner and for the terms provided by law.

(13) Upon the first Monday of January following the first election of county officers for the consolidated county, the several counties shall thereafter for all purposes be treated and considered as one county, under the name and upon the terms and conditions set forth in the consolidation agreement. All rights, privileges, and franchises of each of the several counties, and all records, books, and documents, and all property, real and personal, and all debts due on whatever account, as well as other things in action, belonging to each of the counties, shall be considered transferred to and vested in the consolidated county, without further act or deed. All property, all rights-of-way, and all and every other interest shall be as effectually the property of the consolidated county as they were of the several counties before the consolidation. The title to real estate, either by deed or otherwise, under the laws of this state vested in any of the counties, shall not be considered to revert or be in any way impaired by reason of this consolidation. The rights of creditors and all liens upon the property of any of the counties shall be preserved unimpaired, and the respective counties shall be considered to continue in existence to preserve the same and all debts, liabilities and duties of any of the counties shall attach to the consolidated county and be enforced against it to the same extent as if the debts, liabilities and duties had been incurred or contracted by it, unless by the terms of the agreement the outstanding bonded indebtedness of the counties shall not be transferred and attached to the consolidated county, but shall remain as obligations of the counties which for such purpose shall be considered to continue in existence.

(14) Suits may be brought and maintained against the consolidated county in any of the courts of this state in the same manner as against any other county. Any action or proceeding pending by or against any of the counties consolidated may be prosecuted to judgment as if the consolidation had not taken place, or the consolidated county may be substituted in its place. The towns, school districts, election districts and voting places in the consolidated county shall continue as in the several counties before consolidation, unless and until changed in accordance with law.

(15) Until changed by law, the same circuit courts shall continue, though it may result in the consolidated county being a part of 2 or more circuits. All such courts shall, however, be held at the

place designated as the county seat of the consolidated county, and each such court and the judge of that court shall continue to have and exercise the same jurisdiction as the court or the judge had and exercised before the consolidation. If 2 or more judges have jurisdiction in any consolidated county they or a majority of them shall exercise the power to appoint officers and fill vacancies as is vested in judges of circuit courts of other counties.

(16) For the purpose of representation in congress and in the legislature the existing congressional, senatorial and assembly districts shall continue until changed in accordance with law. The consolidated county shall in all respects, except as otherwise provided in this section, be subject to all the obligations and liabilities imposed, and shall possess all the rights, powers and privileges vested by law in other counties.

(17) The provisions of this section shall be considered cumulative and the authority granted in this section to counties shall not be limited or made inoperative by any existing statute.

History: 1977 c. 449; 1979 c. 311; 1981 c. 377; 1983 a. 192; 1989 a. 56, 192; 1991 a. 316; 1993 a. 490; 1995 a. 16 ss. 1, 2; 1995 a. 201 ss. 480 to 483; Stats. 1995 s. 59.08; 1995 a. 225 ss. 175 to 179; 1997 a. 35; 1999 a. 182; 2001 a. 16.

SUBCHAPTER III

COUNTY BOARD OF SUPERVISORS

59.10 Boards: composition; election; terms; compensation; compatibility. The boards of the several counties shall be composed of representatives from within the county who are elected and compensated as provided in this section. Each board shall act under sub. (2), (3) or (5), unless the board enacts an ordinance, by a majority vote of the entire membership, to act under sub. (1). If a board enacts such ordinance, a certified copy shall be filed with the secretary of state.

(1) **SELF-ORGANIZED COUNTIES.** (a) *Number of supervisors and apportionment of supervisory districts.* In each county with a population of at least 500,000, sub. (2) (a) and (b) applies. In counties with a population of less than 500,000 and more than one town, sub. (3) (a) to (c) applies. In counties with one town only, sub. (5) applies.

(b) *Terms.* The term of office of supervisors is 2 years. A board may determine whether the terms shall be concurrent or staggered. Supervisors shall be elected at the election to be held on the first Tuesday in April next preceding the expiration of their respective terms and shall take office on the 3rd Tuesday in April following their election. If the board determines that supervisors shall serve staggered terms, the board shall, by ordinance, provide for a division of supervisors into 2 classes, one class to be elected for one-half of a full term and the other class for a full term and thereafter the supervisors shall be elected for a full term. The board shall publish the ordinance as a class 1 notice, under ch. 985, or as a notice, as described under s. 59.14 (1m) (b), before publication of the notice of the election at which supervisors are to be elected.

(c) *Compensation.* The method of compensation for supervisors shall be determined by the board.

(d) *Vacancies.* A board may determine the procedure for filling a vacancy.

(2) **MILWAUKEE COUNTY.** In each county with a population of at least 500,000:

(a) *Composition: supervisory districts.* Within 60 days after the population count by block, established in the decennial federal census of population, and maps showing the location and numbering of census blocks become available in printed form from the federal government or are published for distribution by an agency of this state, but no later than July 1 following the year of each decennial census, the board shall adopt and transmit to the governing body of each city and village wholly or partially contained within the county a tentative county supervisory district plan to be considered by the cities and villages when dividing into wards. The plan shall specify the number of supervisors to be elected and

shall divide the county into a number of districts equal to the number of supervisors, with each district substantially equal in population and consisting of contiguous whole wards. Except as otherwise provided in this paragraph, the board shall develop and adopt the tentative plan in accordance with sub. (3) (b) 1. The board shall adopt a final plan by enacting an ordinance in accordance with sub. (3) (b) 2. to 4.

(b) *Election; term.* Supervisors shall be elected for 4-year terms at the election to be held on the first Tuesday in April next preceding the expiration of their respective terms, and shall take office on the 3rd Monday in April following their election.

(c) *Compensation.* Each supervisor shall be paid by the county an annual salary set by the board. The board may provide additional compensation for the chairperson. Section 66.0505 applies to this paragraph.

(d) *Changes during decade.* 1. ‘Number of supervisors; redistricting.’ The board may, not more than once prior to November 15, 2010, decrease the number of supervisors after the enactment of a supervisory district plan under par. (a). In that case, the board shall redistrict, readjust, and change the boundaries of supervisory districts, so that the number of districts equals the number of supervisors, the districts are substantially equal in population according to the most recent countywide federal census, the districts are in as compact a form as possible, and the districts consist of contiguous whole wards in existence at the time at which the redistricting plan is adopted. In the redistricting plan, the board shall adhere to the requirements under sub. (3) (b) 2. with regard to contiguity and shall, to the extent possible, place whole contiguous municipalities or contiguous parts of the same municipality within the same district. In redistricting under this subdivision, the original numbers of the districts in their geographic outlines, to the extent possible, shall be retained. The chairperson of the board shall file a certified copy of any redistricting plan adopted under this subdivision with the secretary of state.

2. ‘Election; term.’ Any redistricting plan enacted under subd. 1. becomes effective on the first November 15 following its enactment, and first applies to the spring election following the plan’s effective date. Any redistricting plan enacted under subd. 1. shall remain in effect until the effective date of a redistricting plan subsequently enacted under par. (a). Supervisors elected from the districts created under subd. 1. shall serve for 4-year terms and shall take office on the 3rd Monday in April following their election.

(3) OTHER COUNTIES. (a) *Classification: maximum number of supervisors.* Counties with a population of less than 500,000 and more than one town are classified and entitled to a maximum number of supervisors as follows:

1. Counties with a population of less than 500,000 but at least 100,000 shall have no more than 47 supervisors.

2. Counties with a population of less than 100,000 but at least 50,000 shall have no more than 39 supervisors.

3. Counties with a population of less than 50,000 but at least 25,000 shall have no more than 31 supervisors.

4. Counties with a population of less than 25,000 and containing more than one town shall have no more than 21 supervisors.

5. If the population of any county is within 2% of the minimum population for the next most populous grouping under this paragraph, the board thereof, in establishing supervisory districts, may employ the maximum number for such districts set for such next most populous grouping.

(b) *Creation of supervisory districts.* 1. Within 60 days after the population count by block, established in the decennial federal census of population, and maps showing the location and numbering of census blocks become available in printed form from the federal government or are published for distribution by an agency of this state, but no later than July 1 following the year of each decennial census, each board shall propose a tentative county supervisory district plan setting forth the number of supervisory districts and tentative boundaries or a description of boundary

requirements, hold a public hearing on the proposed plan and adopt a tentative plan. The proposed plan may be amended after the public hearing. The board shall solicit suggestions from municipalities concerning the development of an appropriate plan. The board shall transmit to each municipal governing body in the county the tentative plan that is adopted. Each district shall consist of whole wards or municipalities. Each district shall be designated to be represented by one supervisor, and all districts shall be substantially equal in population. In the tentative plan, the board shall, whenever possible, place whole contiguous municipalities or contiguous parts of the same municipality within the same district. If the division of a municipality is sought by the board, the board shall provide with the plan a written statement to the municipality affected by each proposed division specifying the approximate location of the territory from which a ward is sought to be created for contiguity purposes and the approximate population of the ward proposed to effectuate the division.

2. Within 60 days after every municipality in the county adjusts its wards under s. 5.15, the board shall hold a public hearing and shall then adopt a final supervisory district plan, numbering each district. Wards within each supervisory district created by the plan shall be contiguous, except that 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 one or more wards or portions of wards consisting of island territory as defined in s. 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.

4. The chairperson of the board shall file a certified copy of the final districting plan with the secretary of state.

(c) *Changes during decade; municipal boundary adjustments.* After the enactment of a plan of supervisory districts under par. (b), a municipal incorporation, annexation, detachment or consolidation may serve as a basis for altering between federal decennial censuses the boundaries of supervisory districts, in the discretion of the board. The number of supervisory districts in the county shall not be changed by any action under this paragraph. Any plan of county supervisory districts enacted under par. (b) may be amended under this paragraph but shall remain in effect as amended until superseded by another plan enacted by the board under par. (b) and filed with the secretary of state.

(cm) *Changes during decade; reduction in size.* 1. ‘Number of supervisors; redistricting.’ Except as provided in subd. 3., following the enactment of a decennial supervisory district plan under par. (b), the board may decrease the number of supervisors. In that case, the board shall redistrict, readjust, and change the boundaries of supervisory districts, so that the number of districts equals the number of supervisors, the districts are substantially equal in population according to the most recent countywide federal census, the districts are in as compact a form as possible, and the districts consist of contiguous whole wards in existence at the time at which the redistricting plan is adopted. In the redistricting plan, the board shall adhere to the requirements under par. (b) 2. with regard to contiguity and shall, to the extent possible, place whole contiguous municipalities or contiguous parts of the same municipality within the same district. In redistricting under this subdivision, the original numbers of the districts in their geographic outlines, to the extent possible, shall be retained. No plan may be enacted under this subdivision during review of the sufficiency of a petition filed under subd. 2. nor after a referendum is scheduled on such a petition. However, if the electors of the county reject a change in the number of supervisory districts under subd. 2., the board may then take action under this subdivision except as provided in subd. 3. The county clerk shall file a certified copy of any redistricting plan enacted under this subdivision with the secretary of state.

2. ‘Petition and referendum.’ Except as provided in subd. 3., 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

ings or for attendance at not to exceed 2 committee meetings in any one day.

(j) *Supplementary compensation.* The board, in establishing an annual salary, may enact an ordinance providing for a per diem for all committee meetings attended in excess of 40 committee and board meetings.

(4) **COMPATIBILITY.** No county officer or employee is eligible for election or appointment to the office of supervisor, but a supervisor may also be a member of a committee, board or commission appointed by the county executive or county administrator or appointed or created by the county board, a town board, a mosquito control district, the common council of his or her city, the board of trustees of his or her village or the board of trustees of a county institution appointed under s. 46.18.

(5) **COUNTIES HAVING ONLY ONE TOWN.** In all counties containing one town only, the board shall consist of the members of the town board and one supervisor from every village. A supervisor from a village shall be elected at the time the other village officers are elected. A majority of the members shall constitute a quorum of the county board. Each supervisor shall receive compensation and mileage as provided in sub. (3) (f) and (g). The chairperson of the board elected under s. 59.12 (1) may be, but need not be, the same person who is elected chairperson of the town board under s. 60.21 (3) (a).

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

History: 1971 c. 134, 211, 304; 1973 c. 118 ss. 2 to 4, 7; 1973 c. 334 s. 57; 1973 c. 336; 1975 c. 93 s. 113; 1975 c. 116, 200; 1977 c. 427; 1979 c. 34, 89, 122, 260; 1981 c. 4, 390; 1983 a. 29; 1983 a. 192 ss. 115, 303 (1), (2); 1983 a. 484; 1983 a. 532 s. 36; 1985 a. 29, 304; 1989 a. 56 s. 258; 1991 a. 5, 316; 1993 a. 490; 1995 a. 16 s. 2; 1995 a. 201 s. 100; Stats. 1995 s. 59.10; 1997 a. 35; 1999 a. 150 s. 672; 2001 a. 107; 2003 a. 32; 2005 a. 100, 235, 248; 2007 a. 72, 97.

Cross-reference: See s. 17.21 (5) for provision as to filling vacancies on county boards in counties over 500,000.

Cross-reference: See s. 59.20 (1) for county supervisor residency requirements.

Cross-reference: See s. 66.0505 for restrictions on changes in compensation of county board members.

City and county apportionment is discussed. *City of Janesville v. Rock County*, 107 Wis. 2d 187, 319 N.W.2d 891 (Ct. App. 1982).

The trial court properly voided a city's supervisory district plan and adopted the county's plan even though the county did not adopt the plan within 60 days of receiving census data as required by sub. (3). *County of La Crosse v. City of La Crosse*, 108 Wis. 2d 560, 322 N.W.2d 531 (Ct. App. 1982).

Sub. (3) (a) does not establish a separate minimum for each class of county. The constitutionality of sub. (3) (a) is discussed. 60 Atty. Gen. 327.

A vacancy on a county board due to resignation may be filled by appointment by the county board chairperson when the board is not in session. 61 Atty. Gen. 1.

An incumbent county supervisor must resign before the county board may consider his or her appointment as highway commissioner. 61 Atty. Gen. 424.

A county board supervisor risks violations of s. 946.13 if he is appointed as counsel for indigent defendants. 62 Atty. Gen. 62, 118.

Under sub. (3) (c) alteration of county supervisory district boundaries between decennial censuses is authorized only when ward boundaries originally relied upon in reapportioning the county have been subsequently altered by incorporation, annexation, detachment, or consolidation. 63 Atty. Gen. 544.

Section 59.06 (2) (intro.) [now 59.13 (2) (intro.)] does not prohibit payment of additional mileage under s. 59.03 (3) (g) [now 59.10 (3) (g)]. 68 Atty. Gen. 73.

59.11 Meetings; adjournment; absentees. (1) (a) Every board shall hold an annual meeting on the Tuesday after the 2nd Monday of November in each year for the purpose of transacting business. Any board may establish by rule an earlier date during October or November for the annual meeting and may by rule establish regular meeting dates throughout the year at which to transact general business. When the day of the meeting falls on

November 11, the meeting shall be held on the next succeeding day.

(b) The annual meeting may be adjourned by the clerk, upon the written request of a majority of the supervisors, to a day designated in the request, but not less than one week nor more than 3 weeks from the Tuesday after the 2nd Monday of November. Upon such an adjournment being made, the clerk shall give each supervisor written notice of the time and place to which the annual meeting has been adjourned.

(c) The board, except in counties with a population of 500,000 or more, shall meet on the 3rd Tuesday of each April to organize and transact business. At this meeting the board may transact any business permitted at the annual meeting, including the appointment of all county commissions and committees. The meeting may be adjourned in the same manner as the annual meeting.

(2) A special meeting of the board shall be held:

(a) Upon a written request of a majority of the supervisors delivered to the clerk, specifying the time and place of the meeting. The time shall not be less than 48 hours from the delivery of the request. Upon receiving the request the clerk shall immediately mail to each supervisor notice of the time and place of the meeting. Any special meeting may be adjourned by a vote of a majority of all the supervisors. The board by ordinance may establish a separate procedure for convening the board in a "declared emergency" as defined by county ordinance.

(b) For the purposes and in the manner prescribed in s. 31.06, with the right to adjourn the special meeting from time to time by a vote of a majority of all the supervisors entitled to a seat. The clerk shall mail written notice of the special meeting, specifying the time, place and purpose of the meeting, to each supervisor not less than 2 weeks before the day set for the meeting.

(3) All meetings shall be held in the county at places that are designated by the board. The board shall give adequate public notice of the time, place and purpose of each meeting.

(4) The board shall sit with open doors, and all persons conducting themselves in an orderly manner may attend. If any supervisor misses or leaves a meeting of the board without good cause or without being first excused by the board, the chairperson may issue a warrant requiring the sheriff or some constable immediately to arrest and bring the supervisor before the board. The expenses of the arrest shall be deducted from the pay of the member unless otherwise directed by the board. The board may punish its members for infraction of its rules by imposing the penalty provided in the rules.

(5) The board may appropriate funds to broadcast by radio or television, or to tape and rebroadcast, any meeting of the board held under this section.

History: 1971 c. 68, 307; 1975 c. 41, 109; 1983 a. 192; 1995 a. 201 ss. 105, 233; Stats. 1995 s. 59.11.

A county clerk can adjourn a regular meeting of the county board when requested by majority of the elected members of the board. 61 Atty. Gen. 352.

59.12 Chairperson; vice chairperson; powers and duties.

(1) The board, at the first meeting after each regular election at which members are elected for full terms, shall elect a member chairperson. The chairperson shall perform all duties required of the chairperson until the board elects a successor. The chairperson may administer oaths to persons required to be sworn concerning any matter submitted to the board or a committee of the board or connected with their powers or duties. The chairperson shall countersign all ordinances of the board, and shall preside at meetings when present. When directed by ordinance the chairperson shall countersign all county orders, transact all necessary board business with local and county officers, expedite all measures resolved upon by the board and take care that all federal, state and local laws, rules and regulations pertaining to county government are enforced.

(2) The board at the time of the election of the chairperson shall also elect a member vice chairperson, for the same term, who

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under par. (b). 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, a petitioner shall 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 such registration. The petition shall specify the proposed number of supervisors to be elected. 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, and, if the petition is valid, the alternative proposed in the petition shall be submitted for approval at the same referendum. An alternative petition is subject to the same registration and signature requirements as an original petition. Each petition shall be in the form specified in s. 8.40 and shall contain a number of signatures of electors of the county equal to at least 25 percent 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 shall promptly determine the sufficiency of a petition filed under this subdivision. Upon determination that a petition is sufficient, or if one or more valid alternative petitions are filed, upon determination that the petitions are sufficient, the county clerk shall 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. The question proposed at the referendum shall be: "Shall the board of supervisors of County be decreased from members to members?". If one or more alternative valid petitions are filed within 14 days after the last day that an original petition may be filed, the question relating to the number of supervisors shall appear separately. The first question shall be: "Shall the size of the county board of supervisors of County be decreased from its current membership of members?". Any subsequent question shall be: "If so, shall the size of the board be decreased to members?". Each elector may vote in the affirmative or negative on the first question and may then vote in the affirmative on one of the remaining questions. If the first question is not approved by a majority of the electors voting on the question, any subsequent question is of no effect. If the question is approved by a majority of the electors voting on the question, or, if more than one question is submitted, if the first question is approved by a majority of the electors voting on the question, the board shall enact an ordinance prescribing revised boundaries for the supervisory districts in the county. The ordinance shall be enacted in accordance with the approved question or, if more than one question is submitted, in accordance with the choice receiving a plurality of the votes cast. The districts are subject to the same requirements that apply to districts in any plan enacted by the board under subd. 1. If the board has determined under sub. (1) (b) to adopt staggered terms for the office of supervisor, the board may change the expiration date of the term of any supervisor to an earlier date than the date provided under current ordinance if required to implement the redistricting or to maintain classes of members. The county clerk shall file a certified copy of any redistricting plan enacted under this subdivision with the secretary of state.

3. 'Limitation.' If the number of supervisors in a county is decreased by the board or by petition under this paragraph, no further action may be taken by the board or by petition under this paragraph in that county until after enactment of the next decennial supervisory district plan by the board under par. (b).

4. 'Election; term.' Any redistricting plan enacted under subd. 1. takes effect on November 15 following its enactment 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. Any reduction in the number of supervisory districts under subd. 2. that is approved at a spring election shall be enacted in the form of a redistricting plan no later than November 15 following that elec-

tion and shall first apply to the election of supervisors at the next spring election immediately preceding the expiration of the terms of office of supervisors in the county, and any reduction in the number of supervisory districts under subd. 2. that is approved at a general election shall be enacted in the form of a redistricting plan no later than the 2nd succeeding November 15 following that election and shall first apply to the election of supervisors at the next spring election following that November 15 immediately preceding the expiration of the terms of office of supervisors in the county. Any redistricting plan enacted under subd. 1. or 2. shall remain in effect until the effective date of any subsequent redistricting plan enacted under sub. (3) (c) or until the effective date of a redistricting plan subsequently enacted under par. (b). Supervisors elected from the districts created under subd. 1. or 2. shall serve for 2-year terms and shall take office on the 3rd Tuesday in April following their election.

(d) *Election and term of supervisors.* Supervisors are county officers, shall be elected for 2-year terms at the election to be held on the first Tuesday in April in even-numbered years and shall take office on the 3rd Tuesday in April of that year.

(e) *Vacancies.* If a vacancy occurs on the board, the board chairperson, with the approval of the board, shall appoint a person who is a qualified elector and resident of the supervisory district to fill the vacancy. The successor shall serve for the unexpired portion of the term to which the person is appointed, unless the board orders a special election to fill the vacancy, in which case the person appointed shall serve until his or her successor is elected and qualified. The board may, if a vacancy occurs before June 1 in the year preceding expiration of the term of office, order a special election to fill the vacancy. If the board orders a special election during the period beginning on June 1 and ending on November 30 of any year, the special election shall be held concurrently with the succeeding spring election. If the board orders a special election during the period beginning on December 1 and ending on May 31 of the succeeding year, the special election shall be held on the Tuesday after the first Monday in November following the date of the order. A person so elected shall serve for the residue of the unexpired term.

(f) *Compensation.* Each supervisor shall be paid a per diem by the county for each day that he or she attends a meeting of the board. Any board may, at its annual meeting, by a two-thirds vote of all the members, fix the compensation of the board members to be next elected. Any board may also provide additional compensation for the chairperson.

(g) *Mileage.* Each supervisor shall, for each day that he or she attends a meeting of the board, receive mileage for each mile traveled in going to and returning from the meetings by the most usual traveled route at the rate established by the board under s. 59.22 as the standard mileage allowance for all county employees and officers.

(h) *Limitation on compensation.* Except for services as a member of a committee as provided in s. 59.13 no supervisor shall be paid for more days' attendance on the board in any year than is set out in this schedule: in counties having a population of less than 25,000, 20 days; at least 25,000 but less than 100,000, 25 days; at least 100,000 but less than 500,000, 30 days.

(i) *Alternative compensation.* As an alternative method of compensation, in counties having a population of less than 500,000, including counties containing only one town, the board may at its annual meeting, by a two-thirds vote of the members entitled to a seat, fix the compensation of the supervisors to be next elected at an annual salary for all services for the county including all committee services, except the per diem allowance for services in acquiring highway rights-of-way set forth in s. 84.09 (4). The board may, in like manner, allow additional salary for the members of the highway committee and for the chairperson of the board. In addition to the salary, the supervisors shall receive mileage as provided in par. (g) for each day's attendance at board meet-



WCA 2011 COUNTY REDISTRICTING GUIDE

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with contributions from Julie Glancey, Sheboygan County Clerk*

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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.

Chapter 1

PROCEDURE FOR DECENNIAL REDISTRICTING

Background of Reapportionment and Redistricting

Reapportionment

Under the United States Constitution, a national census must be taken every ten years ("decennial census") and the results used to reapportion representatives in Congress among the states according to population. The census and reapportionment requirements are found in Article 1, Section 2, Clause 3 of the Constitution, which states:

Representatives... shall be apportioned among the several States which may be included within this Union, according to their respective Numbers... The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative...

Redistricting

After reapportionment of congressional seats, each state must perform redistricting. Redistricting is the process of redrawing the lines of districts from which public officials are elected to reflect population shifts in accordance with the results of the decennial census. County decennial redistricting takes place after each decennial census and is governed by Wis. Stat. § 59.10.

Traditional Principles of Redistricting

The drawing of district lines is governed by recognized and traditional redistricting principles. The aim of these concepts is to ensure that districts are generally of equal population (not exact), compact and regular shape and size and are reflective of political subdivisions and common interest groups.

There are three traditional redistricting principles expressly referenced in Wis. Stat. § 59.10(3). They are substantially equal population among districts, compactness of districts and contiguity among districts. Substantial equality of population refers to the acceptable deviation in population among the largest and smallest districts which is generally defined to mean an overall deviation range of 10%. Compactness of a district is defined in many ways but generally means compact in geographic shape as opposed to irregular, odd or bizarre shaped districts which are spread over large geographic areas. A district is contiguous if all of the lines that are used to draw it are connected, i.e., it is a single, unbroken shape.

Other traditional redistricting principles include protection of incumbents, preservation of core interests of districts in the prior redistricting plan, consideration of minority populations and preservation of communities of interest. Protecting incumbents facilitates seniority among representatives and familiarity of representatives with the electorate and its

interests. Preserving the cores of previous districts further facilitates constituency-representative relationships.¹ Consideration of minority groups and communities of interest² 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.

¹Drawing 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.

²There 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.

³The 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 Menominee County, which only has 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

⁴There 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.

⁵If 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.⁵

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.

⁵ 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 over-populated 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.

⁹The 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.

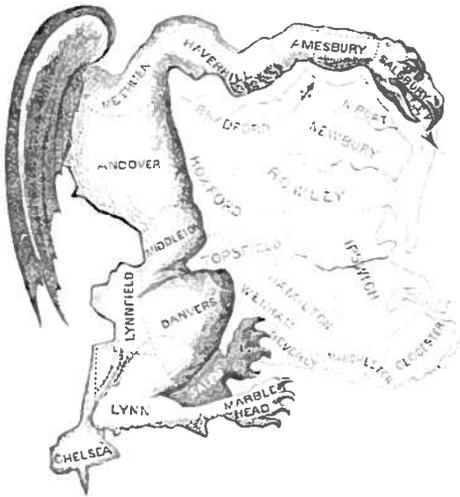
While the Supreme Court in *Shaw v. Reno* limited the use of race in redistricting, it recognized that race should not be excluded as a factor in redistricting. It remains impermissible for counties and other governmental entities to use redistricting to unlawfully minimize or cancel out minority voting 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.

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

WISE-LR 2010

What is WISE-LR 2010?

- This application is a simple-to-use local redistricting tool that can be utilized to quickly and easily create county supervisory, aldermanic and municipal ward boundaries.
- WISE-LR will use the U.S. Census Bureau's 2010 tabulation blocks merged with Census 2010 population totals.
- The WISE-LR application was built specifically to help counties meet a statutory requirement to submit municipal ward information to the Legislature.

Editing Toolbar in WISE-LR 2010

Editing Information

Madison - C

Assign MCD Zoom To MCD

Ward

District Number: 2

District Color: Maroon

Undo Last

Change Map Opacity: 7

Ward Creation Info

Total Population: 156,893

Population Range: 1,000 to 4,000

Future Enhancements to WISE-LR

In September of 2010, the WISE-LR pilot program ended and survey results were compiled. Based on those survey results, a few enhancements will be implemented for the final April 2011 release of WISE-LR.

Enhancements include:

- Administrator Tool
- Ability to create block splits for annexations
- Ability to share plans
- Last extent feature
- Population totals
- Faster editing speed

Counties who participated in the pilot also have the option to have assignments made in the pilot program made available in the final release of the software.

Redistricting Contact Info.

Legislative Technology Services Bureau

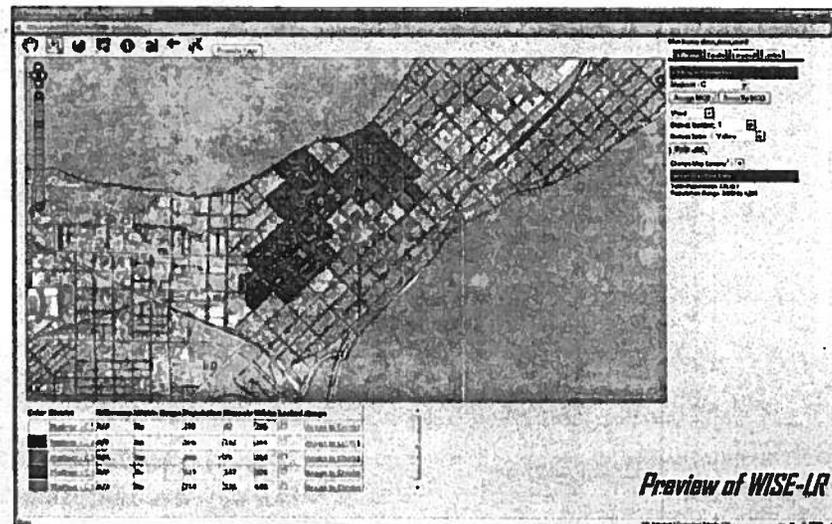
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What's New in WISE-LR?

- The new WISE-LR application will provide the same functionality as the previous desktop application that was delivered to all 72 Wisconsin counties on April 1, 2001 for the 2001 Legislative Redistricting Project. The main difference between the two applications is the WISE-LR 2010 application is now an internet application.
- The Legislative Technology Services Bureau, Legislative Reference Bureau, and UW-Applied Population Laboratory will be demonstrating WISE-LR at several upcoming conferences in the state:

**ESRI Wisconsin User Group (EWUG)
in Middleton, WI—November 3-4th**

WISE for Local Redistricting was created by the Wisconsin Legislative Technology Services Bureau, the University of Wisconsin-Madison Applied Population Laboratory and the Wisconsin Legislative Reference Bureau.



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2010 Wisconsin Redistricting

WISE-LR

Product Information



www.legis.wisconsin.gov/ltsb/wislr

Percentage of Pop by Race -County Board Adopted 2004

9/29/2003

District #	TOTAL POP	WHITE	White %	BLACK	Black %	HISPANIC	Hispanic %	ASIAN	Asian %	AMINDIAN	Amindian%	PISLAND	Pisland %	OTHER	Other%	OTHERMLT	OtherMit%
District 1	48137	13531	28.11%	32372	67.25%	1022	2.12%	610	1.27%	206	0.43%	8	0.02%	91	0.19%	297	0.62%
District 10	47461	10763	22.68%	32285	68.02%	1767	3.72%	1875	3.95%	205	0.43%	38	0.08%	113	0.24%	415	0.87%
District 11	51805	45696	88.21%	1929	3.72%	2460	4.75%	1120	2.16%	363	0.70%	37	0.07%	134	0.26%	66	0.13%
District 12	47582	10782	22.66%	3469	7.29%	30481	64.06%	1502	3.16%	869	1.83%	12	0.03%	232	0.49%	235	0.49%
District 13	47214	12036	25.49%	30350	64.28%	3480	7.37%	570	1.21%	289	0.61%	30	0.06%	113	0.24%	346	0.73%
District 14	51154	43433	84.91%	843	1.65%	4756	9.30%	1040	2.03%	659	1.29%	25	0.05%	265	0.52%	133	0.26%
District 15	49570	43092	86.93%	3191	6.44%	1595	3.22%	1032	2.08%	359	0.72%	42	0.08%	123	0.25%	136	0.27%
District 18	48906	26421	54.02%	18814	38.47%	1644	3.36%	1131	2.31%	342	0.70%	19	0.04%	223	0.46%	312	0.64%
District 2	47723	12752	26.72%	30838	64.62%	1438	3.01%	1946	4.08%	261	0.55%	14	0.03%	131	0.27%	343	0.72%
District 19	50064	46246	92.37%	874	1.75%	1519	3.03%	910	1.82%	330	0.66%	28	0.06%	77	0.15%	80	0.16%
District 17	51600	47790	92.62%	719	1.39%	1447	2.80%	1197	2.32%	262	0.51%	14	0.03%	72	0.14%	99	0.19%
District 16	51156	46400	90.70%	717	1.40%	2611	5.10%	670	1.31%	507	0.99%	22	0.04%	145	0.28%	84	0.16%
District 9	51812	47422	91.53%	754	1.46%	1868	3.61%	1209	2.33%	355	0.69%	6	0.01%	122	0.24%	76	0.15%
District 8	51534	47429	92.03%	580	1.13%	2214	4.30%	511	0.99%	547	1.06%	20	0.04%	172	0.33%	61	0.12%
District 3	48560	42065	86.62%	2525	5.20%	1449	2.98%	1762	3.63%	321	0.66%	34	0.07%	227	0.47%	177	0.36%
District 4	49473	25147	50.83%	2053	4.15%	18265	36.92%	2115	4.28%	1325	2.68%	17	0.03%	286	0.58%	265	0.54%
District 5	47090	8580	18.22%	32073	68.11%	2097	4.45%	3275	6.95%	346	0.73%	42	0.09%	140	0.30%	537	1.14%
District 6	51943	41688	80.26%	6912	13.31%	1181	2.27%	1633	3.14%	181	0.35%	26	0.05%	136	0.26%	186	0.36%
District 7	47380	12208	25.77%	31715	66.94%	1112	2.35%	1542	3.25%	246	0.52%	7	0.01%	111	0.23%	439	0.93%

Vote Age with Percentage -County Board Adopted 2004

9/29/2003

District #	TOTVOTAGE	WhiteVote	% White	BlackVote	% Black	HispaVote	% Hispa	AindiVote	% Aindi	OtherVote	% Other	PisldVote	% Pisld	AsianVote	% Asian	OtmItVote	% OtmIt
District 1	32979	11223	34.03%	20444	61.99%	582	1.76%	149	0.45%	44	0.13%	4	0.01%	373	1.13%	160	0.49%
District 10	33408	10526	31.51%	19784	59.22%	1200	3.59%	170	0.51%	77	0.23%	33	0.10%	1340	4.01%	278	0.83%
District 11	41656	37360	89.69%	1584	3.80%	1524	3.66%	264	0.63%	81	0.19%	26	0.06%	781	1.87%	36	0.09%
District 12	30862	8908	28.86%	1695	5.49%	18634	60.38%	548	1.78%	161	0.52%	9	0.03%	787	2.55%	120	0.39%
District 13	32855	10926	33.26%	18780	57.16%	2184	6.65%	207	0.63%	71	0.22%	27	0.08%	449	1.37%	211	0.64%
District 14	40280	35500	88.13%	453	1.12%	2902	7.20%	449	1.11%	161	0.40%	18	0.04%	716	1.78%	81	0.20%
District 15	38687	34730	89.77%	1874	4.84%	950	2.46%	248	0.64%	74	0.19%	23	0.06%	717	1.85%	71	0.18%
District 18	34963	21795	62.34%	11020	31.52%	939	2.69%	209	0.60%	95	0.27%	16	0.05%	722	2.07%	167	0.48%
District 2	30744	10724	34.88%	17889	58.19%	817	2.66%	158	0.51%	57	0.19%	9	0.03%	905	2.94%	185	0.60%
District 19	38404	36033	93.83%	485	1.26%	913	2.38%	225	0.59%	45	0.12%	20	0.05%	642	1.67%	41	0.11%
District 17	40804	38401	94.11%	383	0.94%	863	2.11%	175	0.43%	48	0.12%	9	0.02%	876	2.15%	49	0.12%
District 16	40727	37753	92.70%	421	1.03%	1584	3.89%	341	0.84%	96	0.24%	15	0.04%	478	1.17%	39	0.10%
District 9	39177	36383	92.87%	479	1.22%	1137	2.90%	241	0.62%	74	0.19%	6	0.02%	810	2.07%	47	0.12%
District 8	39784	37360	93.91%	273	0.69%	1277	3.21%	363	0.91%	110	0.28%	12	0.03%	357	0.90%	32	0.08%
District 3	43438	37898	87.25%	2207	5.08%	1173	2.70%	278	0.64%	174	0.40%	32	0.07%	1531	3.52%	145	0.33%
District 4	34326	20266	59.04%	996	2.90%	10695	31.16%	832	2.42%	180	0.52%	16	0.05%	1199	3.49%	142	0.41%
District 5	28280	7314	25.86%	17662	62.45%	1211	4.28%	241	0.85%	61	0.22%	22	0.08%	1508	5.33%	261	0.92%
District 6	39043	32424	83.05%	4381	11.22%	762	1.95%	124	0.32%	88	0.23%	18	0.05%	1139	2.92%	107	0.27%
District 7	31922	10068	31.54%	19979	62.59%	634	1.99%	163	0.51%	53	0.17%	6	0.02%	788	2.47%	231	0.72%

Milwaukee County 2004 Adopted Supervisory Districts



Map Prepared By:
Milwaukee County Public Works
Geographic Information Systems

