



2021 SENATE BILL 385

June 4, 2021 - Introduced by COMMITTEE ON GOVERNMENT OPERATIONS, LEGAL REVIEW AND CONSUMER PROTECTION. Referred to Committee on Government Operations, Legal Review and Consumer Protection.

1 **AN ACT relating to:** timeline for local redistricting in Wisconsin following the
2 2020 federal decennial census.

Analysis by the Legislative Reference Bureau

Under current law, local redistricting in Wisconsin occurs in three phases following each federal decennial census. The process starts at the county level in which counties must adopt tentative county supervisory district plans within 60 days after the official publication of the census data for Wisconsin, but no later than July 1 following the year of the census—July 1, 2021, in the current redistricting cycle. After counties adopt tentative county supervisory district plans, municipalities then have 60 days in which to adjust ward boundaries as needed based on the census. Once municipalities adopt new ward plans, counties then have 60 days within which to adopt final county supervisory district plans, and cities have 60 days within which to adopt aldermanic districts where applicable.

Under federal law, the U.S. Census Bureau must deliver census data to the states for redistricting purposes no later than March 31 of the year following the census—March 31, 2021, in the current redistricting cycle. However, due to delays in the census process resulting from the COVID-19 global pandemic, it is anticipated that Wisconsin will not receive census data based on the 2020 federal decennial census until as late as the end of September 2021.

This bill does all of the following with respect to the local redistricting timeline following the 2020 federal decennial census:

1. Provides that counties have until February 22, 2022, to adopt tentative county supervisory district plans based on the 2020 federal decennial census.

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2. Provides that municipalities may not adopt new ward plans sooner than April 15, 2022, nor later than May 15, 2022. Under the bill, in adopting new ward plans, municipalities must take into account any previously enacted congressional or legislative redistricting plan based on the 2020 federal decennial census.

3. Provides, consistent with current law, that each final county supervisory district plan adopted on the basis of the 2020 federal decennial census must be adopted within 60 days after every municipality in the county adjusts its wards, as specified above.

4. As a result in delays to the local redistricting timeline due to the delay in the state's receipt of census data for redistricting purposes, specifies that city aldermanic district plans adopted on the basis of the 2020 federal decennial census first apply to the 2023 spring primary and election and that final county supervisory district plans adopted on the basis of the 2020 federal decennial census first apply to the 2024 spring primary and election or the 2023 spring primary and election in those counties that have provided by ordinance for staggered terms of office for county board supervisors.

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

1 **SECTION 1. Nonstatutory provisions.**

2 (1) TIMELINE FOR LOCAL REDISTRICTING FOLLOWING THE 2020 FEDERAL DECENNIAL
3 CENSUS.

4 (a) *Tentative county supervisory district plans.* Notwithstanding s. 59.10 (2) (a)
5 and (3) (b) 1., each county board of supervisors shall adopt a tentative county
6 supervisory district plan based on the 2020 federal decennial census no later than
7 February 22, 2022. For purposes of s. 59.10 (6), a proposed tentative plan may be
8 submitted to the circuit court no later than the 14th day after that date.

9 (b) *Ward plans.*

10 1. Notwithstanding s. 5.15 (1) (b), the first day on which a municipal governing
11 body may adopt a division ordinance or resolution adjusting or establishing ward
12 boundaries based on the 2020 federal decennial census is April 15, 2022; and the last
13 day on which a municipal governing body may adopt a division ordinance or

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1 resolution adjusting or establishing ward boundaries based on the 2020 federal
2 decennial census is May 15, 2022. For purposes of s. 5.18, a proposed division plan
3 may be submitted to the circuit court no later than the 14th day after that date.

4 2. If a congressional or legislative redistricting plan based on the 2020 federal
5 decennial census takes effect before the effective date of a division ordinance or
6 resolution subject to subd. 1., the division ordinance or resolution shall include
7 adjustments to ward boundaries to the extent necessary to give effect to the
8 congressional or legislative redistricting plan.

9 3. If a congressional or legislative redistricting plan based on the 2020 federal
10 decennial census takes effect after the effective date of a division ordinance or
11 resolution subject to subd. 1., and the congressional or legislative redistricting plan
12 establishes a district boundary within the municipality that does not coincide with
13 the boundary of a ward established under the division ordinance or resolution, the
14 municipal governing body shall, no later than 60 days after the effective date of the
15 congressional or legislative redistricting plan, amend the division ordinance or
16 resolution to the extent necessary to give effect to the congressional or legislative
17 redistricting plan.

18 4. Notwithstanding the October 15 deadline under s. 5.15 (4) (bg), with respect
19 to the 2020 federal decennial census, each municipality shall file the report required
20 under s. 5.15 (4) (bg) no later than August 15, 2022.

21 (c) *Final county supervisory district plans.* Each final county supervisory
22 district plan adopted on the basis of the 2020 federal decennial census shall be
23 adopted as provided in s. 59.10 (3) (b) 2. within 60 days after every municipality in
24 the county adjusts its wards under par. (b) and first applies with respect to the 2024
25 spring primary and election or the 2023 spring primary and election in those counties

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1 that have provided by ordinance for staggered terms of office for county board
2 supervisors.

3 (d) *City aldermanic district plans.* Each city aldermanic district plan adopted
4 on the basis of the 2020 federal decennial census first applies with respect to the 2023
5 spring primary and election.

6 (END)