



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa1361/1
MPG:ahc

**ASSEMBLY AMENDMENT 2,
TO ASSEMBLY BILL 897**

February 20, 2020 - Offered by Representatives VINING, STUBBS, L. MYERS, ANDERSON, BILLINGS, BOWEN, BROSTOFF, CABRERA, CONSIDINE, CROWLEY, DOYLE, FIELDS, GOYKE, HAYWOOD, HEBL, HESSELBEIN, HINTZ, KOLSTE, MCGUIRE, B. MEYERS, MILROY, NEUBAUER, OHNSTAD, POPE, RIEMER, SARGENT, SHANKLAND, SINICKI, SPREITZER, STUCK, SUBECK, C. TAYLOR, VRUWINK and ZAMARRIPA.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: before “investigations” insert “legislative and congressional
3 redistricting,”.

4 **2.** Page 2, line 1: before that line insert:

5 “**SECTION 1a.** 3.002 (intro.) and (1m) of the statutes are consolidated,
6 renumbered 3.002 and amended to read:

7 **3.002 Description of territory.** In this chapter: ~~(1m) Reference, reference~~
8 to any county or municipality means that county or municipality as its boundaries
9 exist on April 1 of the year of the federal decennial census ~~on which the districting~~
10 ~~plan described under subch. II is based.~~

11 **SECTION 1b.** 3.002 (2) of the statutes is repealed.

12 **SECTION 1c.** 3.004 (2) of the statutes is amended to read:

1 **4.002 Political subdivision boundaries.** In this chapter, reference to any
2 political subdivision means that political subdivision as its boundaries exist on April
3 1 of the year of the federal decennial census.

4 **4.003 Legislative districts established.** This state is divided into 33 senate
5 districts, each composed of 3 assembly districts. Each senate district may elect one
6 member of the senate. Each assembly district may elect one representative to the
7 assembly.

8 **4.004 Preparations for redistricting.** (1) The legislative reference bureau
9 shall acquire appropriate information, review and evaluate available facilities, and
10 develop programs and procedures in preparation for drawing congressional and
11 legislative redistricting plans on the basis of each federal decennial census.

12 (2) By December 1 of the year of the decennial federal census, the legislative
13 reference bureau shall obtain from the U.S. bureau of the census information
14 regarding geographic and political units in this state for which federal census
15 population data has been gathered and will be tabulated. The legislative reference
16 bureau shall use the information to do all of the following:

17 (a) Prepare necessary descriptions of geographic and political units for which
18 census data will be reported and that are suitable for use as components of legislative
19 districts.

20 (b) Prepare maps of geographic and political units within the state which may
21 be used to illustrate the locations of district boundaries proposed in plans prepared
22 in accordance with s. 4.007.

23 (3) As soon as possible after receiving from the U.S. bureau of the census the
24 population data needed for legislative redistricting that the U.S. bureau of the
25 census is required to provide this state under P.L. 94-171, the legislative reference

1 bureau shall use that data to assign a population figure based upon certified federal
2 census data to each geographic or political unit described under sub. (2) (b). The
3 legislative reference bureau shall prepare and publish an analysis describing the
4 population of current legislative and congressional districts and the extent to which
5 the districts may violate the standards under s. 4.007. Upon satisfying these
6 requirements, the legislative reference bureau shall begin the preparation of
7 congressional and legislative redistricting plans as required under s. 4.006.

8 (4) None of the 4 selecting authorities, as defined in s. 13.49 (1) (b), may assign
9 or hire any person to work with the legislative reference bureau to prepare for
10 redistricting under this section, to prepare plans under s. 4.006, or to oversee either
11 process.

12 **4.005 Use of municipal ward plans.** After receipt of a division ordinance or
13 resolution under s. 5.15 (4) (b), the legislative reference bureau shall use the data
14 obtained from the U.S. bureau of the census under s. 4.004 (3) to assign a population
15 figure based upon certified federal census data to each ward established in the
16 division ordinance or resolution. The legislative reference bureau shall use each
17 ward to which a population figure is assigned in preparing congressional and
18 legislative redistricting plans as required under s. 4.006.

19 **4.006 Preparation of redistricting plans.** (1) Not later than January 1 of
20 the 2nd year following the decennial federal census, the legislative reference bureau
21 shall deliver to the majority leader of the senate and speaker of the assembly
22 identical bills creating plans of legislative and congressional redistricting, prepared
23 in accordance with s. 4.007. Either the assembly or the senate shall bring the bill to
24 a vote expeditiously, but not less than 7 days after the commission report under s.
25 13.49 (3) (d) 2. is received and made available to the members of the legislature. The

1 vote shall be under a procedure or rule permitting no amendments. If the bill is
2 approved by the first house in which it is considered, the bill shall expeditiously be
3 brought to a vote in the 2nd house under a similar procedure or rule.

4 **(2)** If neither of the bills delivered by the legislative reference bureau under
5 sub. (1) is approved by both the assembly and the senate, the chief clerk of the house
6 that failed to approve the bill shall immediately transmit to the legislative reference
7 bureau information that the house may direct regarding reasons why the plan was
8 not approved. The legislative reference bureau shall prepare identical bills
9 embodying a 2nd plan of legislative and congressional redistricting prepared in
10 accordance with s. 4.007, taking into account the reasons transmitted to the
11 legislative reference bureau under this subsection insofar as it is possible to do so
12 within the requirements of s. 4.007. The legislative reference bureau shall deliver
13 the bills to the majority leader of the senate and the speaker of the assembly no later
14 than 21 days after the date of the vote by which the senate or the assembly failed to
15 approve the bill submitted under sub. (1). Any bill delivered by the legislative
16 reference bureau under this subsection shall be expeditiously introduced and
17 brought to a vote not less than 7 days after the date of introduction, in the same
18 manner as prescribed for the bill required under sub. (1).

19 **(3)** If neither of the bills delivered by the legislative reference bureau under
20 sub. (2) is approved by both the assembly and the senate, the same procedure as
21 prescribed by sub. (2) shall be followed. If a 3rd plan is required under this
22 subsection, the legislative reference bureau shall deliver the bills to the majority
23 leader of the senate and the speaker of the assembly no later than 21 days after the
24 date of the vote by which the senate or the assembly failed to approve the bill
25 submitted under sub. (2). Any bill delivered by the legislative reference bureau

1 under this subsection shall be expeditiously introduced and brought to a vote not less
2 than 7 days after the date of introduction and shall be subject to amendment in the
3 same manner as other bills. Any bill delivered under this subsection, and any
4 amendment to such a bill, may be passed only with the approval of three-fourths of
5 all the members elected in each house.

6 (4) Notwithstanding subs. (1) to (3):

7 (a) If certified federal census data that is sufficient to permit preparation of a
8 congressional redistricting plan becomes available at an earlier time than the
9 population data needed to permit preparation of a legislative redistricting plan in
10 accordance with s. 4.007, the legislative reference bureau shall so inform the
11 majority leader of the senate and the speaker of the assembly. If the majority leader
12 of the senate and the speaker of the assembly jointly direct, the legislative reference
13 bureau shall prepare a separate bill establishing congressional districts and deliver
14 it separately from the bill establishing legislative districts. The legislature shall
15 proceed to consider the congressional redistricting bill in substantially the manner
16 prescribed by subs. (1) to (3).

17 (b) If the population data for legislative redistricting that the U.S. bureau of
18 the census is required to provide this state under P.L. 94-171 and, if used by the
19 legislative reference bureau, the corresponding topologically integrated geographic
20 encoding and referencing data file for that population data are not available to the
21 legislative reference bureau on or before April 1 of the first year following the
22 decennial federal census, the deadlines set forth in this section shall be extended by
23 a number of days equal to the number of days after April 1 of the first year following
24 the decennial federal census that the population data and the topologically

1 integrated geographic encoding and referencing data file for legislative redistricting
2 become available.

3 **4.007 Redistricting standards. (1)** Legislative and congressional districts
4 shall be established on the basis of population requirements imposed under the
5 Wisconsin Constitution and the U.S. Constitution and requirements imposed under
6 Section 2 of the Voting Rights Act.

7 **(2)** Senate and assembly districts, respectively, shall satisfy the population
8 standards established in this subsection. The quotient, obtained by dividing the sum
9 of the absolute values of the deviations of all district populations from the applicable
10 ideal district population by the number of districts established, may not exceed 1
11 percent of the applicable ideal district population, unless necessary to maintain
12 compliance with Section 2 of the Voting Rights Act. For purposes of this subsection,
13 the ideal district population is determined by dividing the population of the state
14 reported in the most recent federal decennial census by the number of districts to be
15 established. No senate district may have a population that exceeds that of any other
16 senate district by more than 10 percent and no assembly district may have a
17 population that exceeds that of any other assembly district by more than 10 percent,
18 unless necessary to maintain compliance with Section 2 of the Voting Rights Act.

19 **(3)** Congressional districts shall each have a population as nearly equal as
20 practicable to the ideal district population, derived as prescribed in sub. (2), while
21 maintaining compliance with Section 2 of the Voting Rights Act. No congressional
22 district may have a population which varies by more than 1 percent from the
23 applicable ideal district population, unless necessary to comply with Section 2 of the
24 Voting Rights Act.

1 **(4)** District boundaries shall coincide with ward boundaries and, to the extent
2 consistent with sub. (1), shall coincide with the boundaries of political subdivisions.
3 The number of political subdivisions divided among more than one district shall be
4 as small as possible. When there is a choice among political subdivisions to divide,
5 the more populous political subdivisions shall be divided before the less populous,
6 except that this requirement does not apply to a legislative district boundary drawn
7 along a county boundary which passes through a city with territory in more than one
8 county.

9 **(5)** Districts shall be composed of convenient contiguous territory. Areas which
10 meet only at the points of adjoining corners are not contiguous.

11 **(6)** Districts shall not be drawn with the intent or result of denying or abridging
12 the equal opportunity of racial or language minorities to participate in the political
13 process or diminishing their ability to elect representatives of their choice, whether
14 by themselves or by voting in concert with other persons.

15 **(7)** (a) In this subsection:

16 1. "Geographic unit center" means that point within a population data unit
17 approximately equidistant from the northern and southern extremities and also
18 approximately equidistant from the eastern and western extremities of the
19 population data unit. This point shall be determined by visual observation of a map
20 of the population data unit, unless it is otherwise determined within the context of
21 an appropriate coordinate system developed by the federal government or another
22 source that the legislative reference bureau determines is qualified and objective and
23 is obtained for use in this state with prior approval of the joint committee on
24 legislative organization.

1 2. “Population data unit” means a ward, census enumeration district, block, or
2 other unit of territory having clearly identified geographic boundaries and for which
3 a total population figure is included in or can be derived directly from certified
4 federal census data.

5 3. “X-coordinate” means the relative location of a point along the east–west
6 axis of the state. Unless otherwise measured within the context of an appropriate
7 coordinate system obtained for use as permitted by subd. 1., the x-coordinate shall
8 be measured along a line drawn due east from a due north and south line running
9 through the point which is the western extremity of this state, to the point to be
10 located.

11 4. “Y-coordinate” means the relative location of a point along the north–south
12 axis of the state. Unless otherwise measured within the context of an appropriate
13 coordinate system obtained for use as permitted by subd. 1., the y-coordinate shall
14 be measured along a line drawn due south from a due east and west line running
15 through the point which is the northern extremity of this state, to the point to be
16 located.

17 (b) To the extent consistent with subs. (1) to (3), districts shall be compact in
18 form. Compact districts are those which are square, rectangular, or hexagonal in
19 shape to the extent permitted by natural or political boundaries. When it is
20 necessary to compare the relative compactness of 2 or more districts, or of 2 or more
21 alternative redistricting plans, the tests prescribed by pars. (c) and (d) shall be used.
22 Should the results of these 2 tests be contradictory, the standard under par. (c) shall
23 be given greater weight than the standard under par. (d).

1 (c) 1. The compactness of a district is greatest when the length of the district
2 and the width of the district are equal. The measure of a district's compactness is
3 the absolute value of the difference between the length and the width of the district.

4 2. In measuring the compactness of a district by means of electronic data
5 processing, the difference between the x-coordinates of the easternmost and the
6 westernmost geographic unit centers included in the district shall be compared to the
7 difference between the y-coordinates of the northernmost and southernmost
8 geographic unit centers included in the district.

9 3. To determine the length and width of a district by manual measurement, the
10 distance from the northernmost point or portion of the boundary of a district to the
11 southernmost point or portion of the boundary of the same district and the distance
12 from the westernmost point or portion of the boundary of the district to the
13 easternmost point or portion of the boundary of the same district shall each be
14 measured. If the northernmost or southernmost portion of the boundary, or each of
15 these points, is a part of the boundary running due east and west, the line used to
16 make the measurement required by this subdivision shall be drawn either due north
17 and south or as nearly so as the configuration of the district permits. If the
18 easternmost or westernmost portion of the boundary, or each of these points, is a part
19 of the boundary running due north and south, a similar procedure shall be followed.
20 The lines to be measured for the purpose of this subdivision shall each be drawn as
21 required by this subdivision, even if some part of either or both lines lies outside the
22 boundaries of the district which is being tested for compactness.

23 4. The absolute values computed for individual districts under this paragraph
24 may be cumulated for all districts in a plan in order to compare the overall
25 compactness of 2 or more alternative redistricting plans for the state or for a portion

1 of the state. However, it is not valid to cumulate or compare absolute values
2 computed using the measurements under subd. 2. with those computed using the
3 measurements under subd. 3.

4 (d) 1. The compactness of a district is greatest when the ratio of the dispersion
5 of population about the population center of the district to the dispersion of
6 population about the geographic center of the district is one to one.

7 2. The population dispersion about the population center of a district or about
8 the geographic center of a district is computed as the sum of the products of the
9 population of each population data unit included in the district multiplied by the
10 square of the distance from the geographic unit center of that population data unit
11 to the population center or the geographic center of the district, as the case may be.
12 The geographic center of the district is defined by averaging the locations of all
13 geographic unit centers which are included in the district. The population center of
14 the district is defined by computing the population-weighted average of the
15 x-coordinates and y-coordinates of each geographic unit center assigned to the
16 district, it being assumed for the purpose of this calculation that each population
17 data unit possesses uniform density of population.

18 3. The ratios computed for individual districts under this paragraph may be
19 averaged for all districts in a plan in order to compare the overall compactness of 2
20 or more alternative redistricting plans for the state or for a portion of the state.

21 **(8)** In preparing any redistricting plan, the legislative reference bureau shall
22 be strictly nonpartisan. No district may be drawn for the purpose of favoring a
23 political party, incumbent legislator or member of Congress, or other person or group
24 or, except to the extent required under sub. (1), for the purpose of augmenting or
25 diluting the voting strength of a language or racial minority group. Except as

1 provided in sub. (10), in establishing districts, no use shall be made of any of the
2 following data:

3 (a) The residence addresses of incumbent legislators or members of Congress.

4 (b) Political affiliations of registered voters.

5 (c) Previous election results.

6 (d) Demographic information except as necessary to meet the requirements of
7 subs. (1) and (10).

8 (9) The number of assembly districts in any redistricting plan may not be less
9 than 54 nor more than 100. The number of senate districts in any redistricting plan
10 may not be more than one-third nor less than one-fourth of the number of assembly
11 districts. Each senate district shall contain only whole assembly districts. Except
12 as otherwise provided in this subsection, to the extent possible, each congressional
13 district shall contain only whole senate districts. The other standards specified in
14 this section shall take precedence where a conflict arises between those standards
15 and the requirement of including only whole senate districts within a congressional
16 district.

17 (10) In preparing any redistricting plan, the legislative reference bureau shall
18 test the efficiency gap and competitiveness of each district and make the test results
19 available to the public, including publishing the results on its Internet site, no later
20 than 72 hours prior to the first public hearing on the proposed plan. The legislative
21 reference bureau may use the data described under sub. (8) (b) to (d) to perform the
22 tests under this subsection.

23 **4.008 Required provisions in redistricting bills.** Each bill delivered under
24 s. 4.006 shall provide all of the following:

1 (1) That, wherever territory is described in the bill by geographic boundaries,
2 the following conventions are used:

3 (a) Each bound continues to the intersection with the bound next named, or to
4 the intersection with a straight-line extension of such bound.

5 (b) If the bound is a street, it follows the center line of the street or the center
6 line of the street extended.

7 (c) If the bound is a railroad right-of-way, it follows the center line of the
8 railroad right-of-way.

9 (d) If the bound is a river or stream, it follows the center of the main channel
10 of such river or stream.

11 (e) If the bound follows a municipal boundary, it coincides with such boundary.

12 (2) That the bill first applies, with respect to regular elections, to offices filled
13 at the next occurring general election after the bill takes effect and, with respect to
14 special or recall elections, to offices filled or contested on or after the date of that
15 general election.

16 **4.0085 Challenge based on population inequality; burden of proof.** If
17 an action is brought challenging a legislative redistricting plan under this
18 subchapter on the basis of an excessive population variance among senate or
19 assembly districts established in the plan, the legislature has the burden of
20 justifying any variance in excess of 10 percent between the population of a senate or
21 assembly district and the applicable ideal district population. If an action is brought
22 challenging a congressional redistricting plan under this subchapter on the basis of
23 an excessive population variance among congressional districts established in the
24 plan, the legislature has the burden of justifying any variance in excess of 1 percent

1 between the population of a congressional district and the applicable ideal district
2 population.”.

3 **3.** Page 4, line 2: after that line insert:

4 “**SECTION 2m.** 5.15 (4) (a) of the statutes is amended to read:

5 5.15 (4) (a) Except as provided in par. (c), the division ordinance or resolution
6 shall number all wards in the municipality with unique whole numbers in
7 consecutive order, beginning with the number one, shall designate the polling place
8 for each ward, and shall describe the boundaries of each ward consistent with the
9 conventions set forth in s. ~~4.003~~ 4.008 (1). The ordinance or resolution shall be
10 accompanied by a list of the block numbers used by the U.S. bureau of the census that
11 are wholly or partly contained within each ward, with any block numbers partly
12 contained within a ward identified, and a map of the municipality which illustrates
13 the revised ward boundaries. If the legislature, in an act redistricting legislative
14 districts under article IV, section 3, of the constitution, or in redistricting
15 congressional districts, establishes a district boundary within a municipality that
16 does not coincide with the boundary of a ward established under the ordinance or
17 resolution of the municipality, the municipal governing body shall, no later than
18 April 10 of the 2nd year following the year of the federal decennial census on which
19 the act is based, amend the ordinance or resolution to the extent required to effect
20 the act. The amended ordinance or resolution shall designate the polling place for
21 any ward that is created to effect the legislative act. Nothing in this paragraph shall
22 be construed to compel a county or city to alter or redraw supervisory or aldermanic
23 districts.”.

24 **4.** Page 5, line 3: after that line insert:

1 **“SECTION 4g.** 13.49 of the statutes is created to read:

2 **13.49 Redistricting advisory commission. (1) DEFINITIONS.** In this section:

3 (a) “Chief election officer” means the elections commission administrator.

4 (b) “Four selecting authorities” means all of the following:

5 1. The majority leader of the senate.

6 2. The minority leader of the senate.

7 3. The speaker of the assembly.

8 4. The minority leader of the assembly.

9 (c) “Partisan public office” means any of the following:

10 1. The office of governor, lieutenant governor, secretary of state, state treasurer,
11 attorney general, state senator, or state representative to the assembly.

12 2. A county office that is filled by an election process involving nomination and
13 election of candidates on a partisan basis.

14 (d) “Political party office” means an elective office in a political party, as defined
15 in s. 11.0101 (26), or in a national political party.

16 (e) “Relative” means an individual who is related to the person in question as
17 father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece,
18 husband, wife, grandfather, grandmother, father-in-law, mother-in-law,
19 son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather,
20 stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half
21 sister.

22 **(2) GENERAL PROVISIONS.** (a) Not later than February 15 of the first year
23 following the decennial federal census, a temporary redistricting advisory
24 commission is created consisting of 5 members. Each of the 4 selecting authorities
25 shall certify to the chief election officer the selecting authority’s appointment of a

1 person to serve on the commission. Within 30 days after the last selecting authority
2 has certified his or her appointment, but not later than February 15 of the first year
3 following the decennial federal census, the 4 commission members so appointed shall
4 select, by a vote of at least 3 members, and certify to the chief election officer the 5th
5 commission member, who shall serve as chairperson.

6 (b) No individual may be appointed to the redistricting advisory commission
7 who satisfies any of the following:

8 1. The individual is not an eligible elector of this state at the time of the
9 appointment.

10 2. The individual holds partisan public office or political party office.

11 3. The individual is a relative of or is employed by a member of the legislature
12 or of Congress or is employed directly by the legislature or Congress.

13 (c) Members of the redistricting advisory commission appointed by a selecting
14 authority shall be reimbursed from the appropriation account under s. 20.765 (1) (a)
15 or (b), depending upon the house in which that member's appointing authority holds
16 office, for actual and necessary expenses incurred in performance of duties as a
17 commission member. The member who is not appointed by a selecting authority
18 shall be reimbursed from the appropriation under s. 20.765 (1) (a) for actual and
19 necessary expenses incurred in performance of duties as a commission member.

20 (d) A vacancy on the redistricting advisory commission shall be filled as
21 provided in s. 17.20 (1) within 15 days after the vacancy occurs.

22 (e) Each redistricting advisory commission terminates upon complying with
23 sub. (3).

24 **(3) DUTIES.** The redistricting advisory commission shall do all of the following:

1 (a) If requested to do so by the legislative reference bureau, provide direction
2 to the legislative reference bureau concerning any decision the legislative reference
3 bureau must make in preparing a redistricting plan under subch. I of ch. 4 for which
4 no clearly applicable guideline is provided under s. 4.007.

5 (b) Oversee the work of legislative reference bureau employees engaged in
6 preparing a redistricting plan under subch. I of ch. 4 and may enter into contracts
7 for hiring experts to assist in the preparing of such plans. The commission may enter
8 into a contract to retain experts for preparing a redistricting plan only with the
9 approval of three-fourths of the members of the commission and may terminate a
10 contract employee only with the approval of three-fourths of the members of the
11 commission.

12 (c) Upon delivery by the legislative reference bureau of a bill embodying a
13 redistricting plan as required under s. 4.006, make available to the public at the
14 earliest feasible time all of the following information:

- 15 1. Copies of the bill.
- 16 2. Maps illustrating the plan.
- 17 3. A summary of the standards prescribed under s. 4.007 for development of the
18 plan.
- 19 4. A statement of the population of each district included in the plan and the
20 relative deviation of each district population from the ideal district population.

21 (d) Upon delivery by the legislative reference bureau of an initial bill
22 embodying a redistricting plan as required under s. 4.006 (1), do all of the following:

- 23 1. As expeditiously as reasonably possible, schedule and conduct public
24 hearings, in different geographic regions of the state, on the plan embodied in the
25 bill. No more than one public hearing may be held in the city of Madison, and at least

1 one public hearing shall be held in each congressional district of the state. The
2 commission shall hold public hearings on weekends whenever it is practicable.

3 2. Following the hearings held under subd. 1., promptly prepare and submit
4 to the legislature in the manner provided under s. 13.172 (2) a report summarizing
5 information and testimony received by the commission in the course of the hearings.
6 The report may include any comments and conclusions that the commission's
7 members deem appropriate concerning the information and testimony received at
8 the hearings or otherwise presented to the commission. The report shall be treated
9 in the same manner as a report submitted under s. 13.172 (2).

10 (4) CONFIDENTIALITY. (a) Except as provided in par. (b), the redistricting
11 advisory commission may establish policies limiting the information that the
12 legislative reference bureau may provide to persons outside of the bureau staff
13 concerning any redistricting plan prepared under subch. I of ch. 4.

14 (b) Any policy established under par. (a) does not apply to a redistricting plan
15 after a bill embodying that plan is delivered by the legislative reference bureau as
16 required under s. 4.006 or to population data furnished to the legislative reference
17 bureau by the U.S. bureau of the census. Notwithstanding s. 13.92 (1) (c), any draft
18 maps, along with the data sets used to create them, that are produced by the
19 legislative reference bureau in the course of its work in preparing a bill under s. 4.006
20 shall be open to public inspection and copying under s. 19.35 (1) and made available
21 on the Internet site of the legislative reference bureau as soon as they are produced.

22 **SECTION 4r. Initial applicability.**

