



2019 SENATE JOINT RESOLUTION 87

January 29, 2020 - Introduced by Senators SMITH, SCHACHTNER, HANSEN, CARPENTER, RISSER, WIRCH, LARSON, JOHNSON, L. TAYLOR and ERPENBACH, cosponsored by Representatives HESSELBEIN, EMERSON, SPREITZER, GOYKE, CROWLEY, SINICKI, GRUSZYNSKI, SHANKLAND, CABRERA, OHNSTAD, HEBL, KOLSTE, L. MYERS, SARGENT, NEUBAUER, POPE, VRUWINK, CONSIDINE, C. TAYLOR, BILLINGS, ANDERSON, STUBBS, ZAMARRIPA, DOYLE, NOVAK, SUBECK, BOWEN, FIELDS, HAYWOOD, MILROY, RIEMER, BROSTOFF, VINING, B. MEYERS and STUCK. Referred to Committee on Government Operations, Technology and Consumer Protection.

1 **To renumber** section 3 of article IV; **to amend** section 4 of article IV and section 5
2 of article IV; and **to create** section 3 (2), (3), (4), (5), (6), (7) and (8) of article IV
3 and section 9 (3) of article IV of the constitution; **relating to:** legislative and
4 congressional redistricting (first consideration).

Analysis by the Legislative Reference Bureau

A proposed constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

5 **Resolved by the senate, the assembly concurring, That:**

6 **SECTION 1.** Section 3 of article IV of the constitution is renumbered section 3
7 (1) of article IV.

8 **SECTION 2.** Section 3 (2), (3), (4), (5), (6), (7) and (8) of article IV of the
9 constitution are created to read:

10 [Article IV] Section 3 (2) (a) The legislative reference bureau shall acquire
11 appropriate information, review and evaluate available facilities, and develop

1 programs and procedures in preparation for drawing congressional and legislative
2 redistricting plans on the basis of each federal decennial census.

3 (b) By December 1 of the year of the decennial federal census, the legislative
4 reference bureau shall obtain from the federal government information regarding
5 geographic and political units in this state for which federal census population data
6 has been gathered and will be tabulated. The legislative reference bureau shall use
7 the information to do all of the following:

8 1. Prepare necessary descriptions of geographic and political units for which
9 census data will be reported and that are suitable for use as components of legislative
10 districts.

11 2. Prepare maps of geographic and political units within the state which may
12 be used to illustrate the locations of district boundaries proposed in plans prepared
13 in accordance with sub. (5).

14 (c) As soon as possible after receiving the federal census data needed for
15 legislative redistricting, the legislative reference bureau shall use that data to assign
16 a population figure based upon certified federal census data to each geographic or
17 political unit described under par. (b) 2. The legislative reference bureau shall
18 prepare and publish an analysis describing the population of current legislative and
19 congressional districts and the extent to which the districts may violate the
20 standards under sub. (5). Upon satisfying these requirements, the legislative
21 reference bureau shall begin the preparation of congressional and legislative
22 redistricting plans as required under sub. (4).

23 (d) None of the 4 selecting authorities, as defined in sub. (8) (a) 2., may assign
24 or hire any person to work with the legislative reference bureau to prepare for

1 redistricting under this subsection, to prepare plans under sub. (4), or to oversee
2 either process.

3 (3) After receipt of a division ordinance or resolution, as provided by law, the
4 legislative reference bureau shall use the federal census data obtained under sub.
5 (2) (c) to assign a population figure based upon certified federal census data to each
6 ward established in the division ordinance or resolution. The legislative reference
7 bureau shall use each ward to which a population figure is assigned in preparing
8 congressional and legislative redistricting plans as required under sub. (4).

9 (4) (a) Not later than January 1 of the 2nd year following the decennial federal
10 census, the legislative reference bureau shall deliver to the majority leader of the
11 senate and speaker of the assembly identical bills creating plans of legislative and
12 congressional redistricting, prepared in accordance with sub. (5). Either the
13 assembly or the senate shall bring the bill to a vote expeditiously, but not less than
14 7 days after the commission report under sub. (8) (c) 4. b. is received and made
15 available to the members of the legislature. The vote shall be under a procedure or
16 rule permitting no amendments. If the bill is approved by the first house in which
17 it is considered, the bill shall expeditiously be brought to a vote in the 2nd house
18 under a similar procedure or rule.

19 (b) If neither of the bills delivered by the legislative reference bureau under par.
20 (a) is approved by both the assembly and the senate, the chief clerk of the house that
21 failed to approve the bill shall immediately transmit to the legislative reference
22 bureau information that the house may direct regarding reasons why the plan was
23 not approved. The legislative reference bureau shall prepare identical bills
24 embodying a 2nd plan of legislative and congressional redistricting prepared in
25 accordance with sub. (5), taking into account the reasons transmitted to the

1 legislative reference bureau under this paragraph insofar as it is possible to do so
2 within the requirements of sub. (5). The legislative reference bureau shall deliver
3 the bills to the majority leader of the senate and the speaker of the assembly no later
4 than 21 days after the date of the vote by which the senate or the assembly failed to
5 approve the bill submitted under par. (a). Any bill delivered by the legislative
6 reference bureau under this paragraph shall be expeditiously introduced and
7 brought to a vote not less than 7 days after the date of introduction, in the same
8 manner as prescribed for the bill required under par. (a).

9 (c) If neither of the bills delivered by the legislative reference bureau under par.
10 (b) is approved by both the assembly and the senate, the same procedure as
11 prescribed by par. (b) shall be followed. If a 3rd plan is required under this
12 paragraph, the legislative reference bureau shall deliver the bills to the majority
13 leader of the senate and the speaker of the assembly no later than 21 days after the
14 date of the vote by which the senate or the assembly failed to approve the bill
15 submitted under par. (b). Any bill delivered by the legislative reference bureau under
16 this paragraph shall be expeditiously introduced and brought to a vote not less than
17 7 days after the date of introduction and shall be subject to amendment in the same
18 manner as other bills. Any bill delivered under this paragraph, and any amendment
19 to such a bill, may be passed only with the approval of three-fourths of all the
20 members elected in each house.

21 (d) Notwithstanding pars. (a) to (c):

22 1. If certified federal census data that is sufficient to permit preparation of a
23 congressional redistricting plan becomes available at an earlier time than the
24 population data needed to permit preparation of a legislative redistricting plan in
25 accordance with sub. (5), the legislative reference bureau shall so inform the majority

1 leader of the senate and the speaker of the assembly. If the majority leader of the
2 senate and the speaker of the assembly jointly direct, the legislative reference
3 bureau shall prepare a separate bill establishing congressional districts and deliver
4 it separately from the bill establishing legislative districts. The legislature shall
5 proceed to consider the congressional redistricting bill in substantially the manner
6 prescribed by pars. (a) to (c).

7 2. If the population data for legislative redistricting that the federal
8 government provides and, if used by the legislative reference bureau, the
9 corresponding topologically integrated geographic encoding and referencing data
10 file for that population data are not available to the legislative reference bureau on
11 or before April 1 of the first year following the decennial federal census, the deadlines
12 set forth in this subsection shall be extended by a number of days equal to the number
13 of days after April 1 of the first year following the decennial federal census that the
14 population data and the topologically integrated geographic encoding and
15 referencing data file for legislative redistricting become available.

16 (5) (a) Legislative and congressional districts shall be established on the basis
17 of population requirements imposed under the Wisconsin Constitution and the U.S.
18 Constitution and requirements imposed under Section 2 of the Voting Rights Act.

19 (b) Senate and assembly districts, respectively, shall satisfy the population
20 standards established in this paragraph. The quotient, obtained by dividing the sum
21 of the absolute values of the deviations of all district populations from the applicable
22 ideal district population by the number of districts established, may not exceed 1
23 percent of the applicable ideal district population, unless necessary to maintain
24 compliance with Section 2 of the Voting Rights Act. For purposes of this paragraph,
25 the ideal district population is determined by dividing the population of the state

1 reported in the most recent federal decennial census by the number of districts to be
2 established. No senate district may have a population that exceeds that of any other
3 senate district by more than 10 percent and no assembly district may have a
4 population that exceeds that of any other assembly district by more than 10 percent,
5 unless necessary to maintain compliance with Section 2 of the Voting Rights Act.

6 (c) Congressional districts shall each have a population as nearly equal as
7 practicable to the ideal district population, derived as prescribed in par. (b), while
8 maintaining compliance with Section 2 of the Voting Rights Act. No congressional
9 district may have a population which varies by more than 1 percent from the
10 applicable ideal district population, unless necessary to comply with Section 2 of the
11 Voting Rights Act.

12 (d) District boundaries shall coincide with ward boundaries and, to the extent
13 consistent with par. (a), shall coincide with the boundaries of political subdivisions.
14 The number of political subdivisions divided among more than one district shall be
15 as small as possible. When there is a choice among political subdivisions to divide,
16 the more populous political subdivisions shall be divided before the less populous,
17 except that this requirement does not apply to a legislative district boundary drawn
18 along a county boundary which passes through a city with territory in more than one
19 county.

20 (e) Districts shall be composed of convenient contiguous territory. Areas which
21 meet only at the points of adjoining corners are not contiguous.

22 (f) Districts shall not be drawn with the intent or result of denying or abridging
23 the equal opportunity of racial or language minorities to participate in the political
24 process or diminishing their ability to elect representatives of their choice, whether
25 by themselves or by voting in concert with other persons.

1 (g) 1. In this paragraph:

2 a. "Geographic unit center" means that point within a population data unit
3 approximately equidistant from the northern and southern extremities and also
4 approximately equidistant from the eastern and western extremities of the
5 population data unit. This point shall be determined by visual observation of a map
6 of the population data unit, unless it is otherwise determined within the context of
7 an appropriate coordinate system developed by the federal government or another
8 source that the legislative reference bureau determines is qualified and objective and
9 is obtained for use in this state with prior approval of the joint committee on
10 legislative organization.

11 b. "Population data unit" means a ward, census enumeration district, block, or
12 other unit of territory having clearly identified geographic boundaries and for which
13 a total population figure is included in or can be derived directly from certified
14 federal census data.

15 c. "X-coordinate" means the relative location of a point along the east-west axis
16 of the state. Unless otherwise measured within the context of an appropriate
17 coordinate system obtained for use as permitted by subd. 1. a., the x-coordinate shall
18 be measured along a line drawn due east from a due north and south line running
19 through the point which is the western extremity of this state, to the point to be
20 located.

21 d. "Y-coordinate" means the relative location of a point along the north-south
22 axis of the state. Unless otherwise measured within the context of an appropriate
23 coordinate system obtained for use as permitted by subd. 1. a., the y-coordinate shall
24 be measured along a line drawn due south from a due east and west line running

1 through the point which is the northern extremity of this state, to the point to be
2 located.

3 2. To the extent consistent with pars. (a) to (c), districts shall be compact in
4 form. Compact districts are those which are square, rectangular, or hexagonal in
5 shape to the extent permitted by natural or political boundaries. When it is
6 necessary to compare the relative compactness of 2 or more districts, or of 2 or more
7 alternative redistricting plans, the tests prescribed by subds. 3. and 4. shall be used.
8 Should the results of these 2 tests be contradictory, the standard under subd. 3. shall
9 be given greater weight than the standard under subd. 4.

10 3. a. The compactness of a district is greatest when the length of the district and
11 the width of the district are equal. The measure of a district's compactness is the
12 absolute value of the difference between the length and the width of the district.

13 b. In measuring the compactness of a district by means of electronic data
14 processing, the difference between the x-coordinates of the easternmost and the
15 westernmost geographic unit centers included in the district shall be compared to the
16 difference between the y-coordinates of the northernmost and southernmost
17 geographic unit centers included in the district.

18 c. To determine the length and width of a district by manual measurement, the
19 distance from the northernmost point or portion of the boundary of a district to the
20 southernmost point or portion of the boundary of the same district and the distance
21 from the westernmost point or portion of the boundary of the district to the
22 easternmost point or portion of the boundary of the same district shall each be
23 measured. If the northernmost or southernmost portion of the boundary, or each of
24 these points, is a part of the boundary running due east and west, the line used to
25 make the measurement required by this subd. 3. c. shall be drawn either due north

1 and south or as nearly so as the configuration of the district permits. If the
2 easternmost or westernmost portion of the boundary, or each of these points, is a part
3 of the boundary running due north and south, a similar procedure shall be followed.
4 The lines to be measured for the purpose of this subd. 3. c. shall each be drawn as
5 required by this subd. 3. c., even if some part of either or both lines lies outside the
6 boundaries of the district which is being tested for compactness.

7 d. The absolute values computed for individual districts under this subdivision
8 may be cumulated for all districts in a plan in order to compare the overall
9 compactness of 2 or more alternative redistricting plans for the state or for a portion
10 of the state. However, it is not valid to cumulate or compare absolute values
11 computed using the measurements under subd. 3. b. with those computed using the
12 measurements under subd. 3. c.

13 4. a. The compactness of a district is greatest when the ratio of the dispersion
14 of population about the population center of the district to the dispersion of
15 population about the geographic center of the district is one to one.

16 b. The population dispersion about the population center of a district or about
17 the geographic center of a district is computed as the sum of the products of the
18 population of each population data unit included in the district multiplied by the
19 square of the distance from the geographic unit center of that population data unit
20 to the population center or the geographic center of the district, as the case may be.
21 The geographic center of the district is defined by averaging the locations of all
22 geographic unit centers which are included in the district. The population center of
23 the district is defined by computing the population-weighted average of the
24 x-coordinates and y-coordinates of each geographic unit center assigned to the

1 district, it being assumed for the purpose of this calculation that each population
2 data unit possesses uniform density of population.

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

6 (h) In preparing any redistricting plan, the legislative reference bureau shall
7 be strictly nonpartisan. No district may be drawn for the purpose of favoring a
8 political party, incumbent legislator or member of Congress, or other person or group
9 or, except to the extent required under par. (a), for the purpose of augmenting or
10 diluting the voting strength of a language or racial minority group. Except as
11 provided in par. (j), in establishing districts, no use shall be made of any of the
12 following data:

13 1. The residence addresses of incumbent legislators or members of Congress.

14 2. Political affiliations of registered voters.

15 3. Previous election results.

16 4. Demographic information except as necessary to meet the requirements of
17 pars. (a) and (j).

18 (i) Except as otherwise provided in this paragraph, to the extent possible, each
19 congressional district shall contain only whole senate districts. The other standards
20 specified in this subsection shall take precedence where a conflict arises between
21 those standards and the requirement of including only whole senate districts within
22 a congressional district.

23 (j) In preparing any redistricting plan, the legislative reference bureau shall
24 test the efficiency gap and competitiveness of each district and make the test results
25 available to the public, including publishing the results on its Internet site, no later

1 than 72 hours prior to the first public hearing on the proposed plan. The legislative
2 reference bureau may use the data described under par. (h) 2. to 4. to perform the
3 tests under this paragraph.

4 (6) Each bill delivered under sub. (4) shall provide all of the following:

5 (a) That, wherever territory is described in the bill by geographic boundaries,
6 the following conventions are used:

7 1. Each bound continues to the intersection with the bound next named, or to
8 the intersection with a straight-line extension of such bound.

9 2. If the bound is a street, it follows the center line of the street or the center
10 line of the street extended.

11 3. If the bound is a railroad right-of-way, it follows the center line of the
12 railroad right-of-way.

13 4. If the bound is a river or stream, it follows the center of the main channel of
14 such river or stream.

15 5. If the bound follows a municipal boundary, it coincides with such boundary.

16 (b) That the bill first applies, with respect to regular elections, to offices filled
17 at the next occurring general election after the bill takes effect and, with respect to
18 special or recall elections, to offices filled or contested on or after the date of that
19 general election.

20 (7) If an action is brought challenging a legislative redistricting plan under this
21 section on the basis of an excessive population variance among senate or assembly
22 districts established in the plan, the legislature has the burden of justifying any
23 variance in excess of 10 percent between the population of a senate or assembly
24 district and the applicable ideal district population. If an action is brought
25 challenging a congressional redistricting plan under this section on the basis of an

1 excessive population variance among congressional districts established in the plan,
2 the legislature has the burden of justifying any variance in excess of 1 percent
3 between the population of a congressional district and the applicable ideal district
4 population.

5 (8) (a) In this subsection:

6 1. "Chief election officer" means the elections commission administrator.

7 2. "Four selecting authorities" means all of the following:

8 a. The majority leader of the senate.

9 b. The minority leader of the senate.

10 c. The speaker of the assembly.

11 d. The minority leader of the assembly.

12 3. "Partisan public office" means any of the following:

13 a. The office of governor, lieutenant governor, secretary of state, state treasurer,
14 attorney general, state senator, or state representative to the assembly.

15 b. A county office that is filled by an election process involving nomination and
16 election of candidates on a partisan basis.

17 4. "Political party office" means an elective office in a political party or in a
18 national political party.

19 5. "Relative" means an individual who is related to the person in question as
20 father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece,
21 husband, wife, grandfather, grandmother, father-in-law, mother-in-law,
22 son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather,
23 stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half
24 sister.

1 (b) 1. Not later than February 15 of the first year following the decennial federal
2 census, a temporary redistricting advisory commission shall be created consisting of
3 5 members. Each of the 4 selecting authorities shall certify to the chief election
4 officer the selecting authority's appointment of a person to serve on the commission.
5 Within 30 days after the last selecting authority has certified his or her appointment,
6 but not later than February 15 of the first year following the decennial federal
7 census, the 4 commission members so appointed shall select, by a vote of at least 3
8 members, and certify to the chief election officer the 5th commission member, who
9 shall serve as chairperson.

10 2. No individual may be appointed to the redistricting advisory commission
11 who satisfies any of the following:

12 a. The individual is not an eligible elector of this state at the time of the
13 appointment.

14 b. The individual holds partisan public office or political party office.

15 c. The individual is a relative of or is employed by a member of the legislature
16 or of Congress or is employed directly by the legislature or Congress.

17 3. Members of the redistricting advisory commission appointed by a selecting
18 authority shall be reimbursed for actual and necessary expenses incurred in
19 performance of duties as a commission member. The member who is not appointed
20 by a selecting authority shall be reimbursed for actual and necessary expenses
21 incurred in performance of duties as a commission member.

22 4. A vacancy on the redistricting advisory commission shall be filled as
23 provided by law within 15 days after the vacancy occurs.

24 5. Each redistricting advisory commission terminates upon complying with
25 par. (c).

1 (c) The redistricting advisory commission shall do all of the following:

2 1. If requested to do so by the legislative reference bureau, provide direction
3 to the legislative reference bureau concerning any decision the legislative reference
4 bureau must make in preparing a redistricting plan for which no clearly applicable
5 guideline is provided under sub. (5).

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

12 3. Upon delivery by the legislative reference bureau of a bill embodying a
13 redistricting plan as required under sub. (4), make available to the public at the
14 earliest feasible time all of the following information:

15 a. Copies of the bill.

16 b. Maps illustrating the plan.

17 c. A summary of the standards prescribed under sub. (5) for development of the
18 plan.

19 d. 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 4. Upon delivery by the legislative reference bureau of an initial bill embodying
22 a redistricting plan as required under sub. (4) (a), do all of the following:

23 a. 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 b. Following the hearings held under subd. 4. a., promptly prepare and submit
4 to the legislature in the manner provided by law a report summarizing information
5 and testimony received by the commission in the course of the hearings. The report
6 may include any comments and conclusions that the commission's members deem
7 appropriate concerning the information and testimony received at the hearings or
8 otherwise presented to the commission.

9 (d) 1. Except as provided in subd. 2., the redistricting advisory commission may
10 establish policies limiting the information that the legislative reference bureau may
11 provide to persons outside of the bureau staff concerning any redistricting plan
12 prepared under this section.

13 2. Any policy established under subd. 1. does not apply to a redistricting plan
14 after a bill embodying that plan is delivered by the legislative reference bureau as
15 required under sub. (4) or to population data furnished to the legislative reference
16 bureau by the federal government. Any draft maps, along with the data sets used
17 to create them, that are produced by the legislative reference bureau in the course
18 of its work in preparing a bill under sub. (4) shall be open to public inspection and
19 copying and made available on the Internet site of the legislative reference bureau
20 as soon as they are produced.

21 **SECTION 3.** Section 4 of article IV of the constitution is amended to read:

22 [Article IV] Section 4. The members of the assembly shall be chosen biennially,
23 by single districts, on the Tuesday succeeding the first Monday of November in
24 even-numbered years, by the qualified electors of the several districts, ~~such districts~~

1 ~~to be bounded by county, precinct, town or ward lines, to consist of contiguous~~
2 ~~territory and be in as compact form as practicable.~~

3 **SECTION 4.** Section 5 of article IV of the constitution is amended to read:

4 [Article IV] Section 5. The senators shall be elected by single districts of
5 ~~convenient contiguous territory~~, at the same time and in the same manner as
6 members of the assembly are required to be chosen; and no assembly district shall
7 be divided in the formation of a senate district. The senate districts shall be
8 numbered in the regular series, and the senators shall be chosen alternately from the
9 odd and even-numbered districts for the term of 4 years.

10 **SECTION 5.** Section 9 (3) of article IV of the constitution is created to read:

11 [Article IV] Section 9 (3) The legislature shall provide by law for the
12 establishment of a legislative reference bureau.

13 **SECTION 6. Numbering of new provisions.** If another constitutional
14 amendment ratified by the people creates the number of any provision created in this
15 joint resolution, the chief of the legislative reference bureau shall determine the
16 sequencing and the numbering of the provisions whose numbers conflict.

17 ***Be it further resolved, That*** this proposed amendment be referred to the
18 legislature to be chosen at the next general election and that it be published for 3
19 months previous to the time of holding such election.

20 (END)