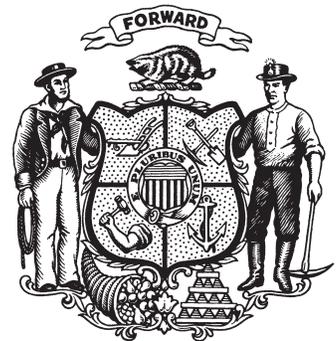


# Guidelines for Adjusting Municipal Wards Following the 2000 Federal Census

State of Wisconsin  
Legislative Reference Bureau

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# GUIDELINES FOR ADJUSTING MUNICIPAL WARDS FOLLOWING THE 2000 FEDERAL CENSUS

During the first week of April 2001 Wisconsin counties received detailed population data and maps reflecting the results of the 2000 decennial federal census. The release of this data signaled the start of the process that municipalities and counties must follow each decade in adjusting ward boundaries so that they may be combined to form election districts at every level of government. This process must be completed by the end of September 2001. This bulletin provides information on the ward subdistricting process, the statutory requirements and legal deadlines that must be met, and the relationship among state, county, and local governments in establishing and using municipal wards to form election districts.

## I. WHAT IS A WARD AND HOW IS IT USED?

### *Definition*

What we in Wisconsin call a "ward" is referred to as a "precinct" in other states or a "voting district" (vtd) by the Census Bureau. Wards do not constitute election districts from which officers are elected, and thus are not subject to the "one person, one vote" requirement which governs the formation of election districts. Instead, wards are intended to serve as administrative subunits that are aggregated into election districts of equal population. Cities, villages, and towns form municipal wards by combining whole census blocks. Municipalities are required to adjust ward boundaries following the decennial federal census to conform to statutorily prescribed population ranges and meet other requirements including compactness, contiguity, and community of interest. Once established, wards serve as the building blocks used by the legislature, counties, cities, and villages in redistricting their respective election districts.

### *Why Use Wards to Form Election Districts?*

The initial rationale for establishing municipal wards was to give local governments the opportunity to influence the delineation of the boundaries of census tracts and enumeration districts and have a useful tool for planning purposes. As the result of enactment of federal legislation in 1975 (P.L. 94-171), municipalities were given the opportunity to receive population data for voting districts as well as census geography. The establishment of wards was made mandatory following the 1980 Census, and the legislature used those wards to form legislative districts. This was in contrast to previous legislative redistricting that was based on census geography and relied on geographic descriptions to define the boundaries of legislative districts.

The use of locally defined wards which take into account growth patterns, communities of interest, and geography rather than the population collection units devised by the Census Bureau, provides a more meaningful building block to form election districts.

In addition, using the same wards to describe the boundaries of aldermanic, supervisory, and legislative districts aids voters and election officials.

### *Who Is Required to Establish Wards?*

Section 5.15, Wisconsin Statutes, requires that all cities, villages, and towns with a population of 1,000 or more establish wards. Municipalities under 1,000 population may establish

wards if they choose to. In addition, a county board may request that a municipality within the county establish a ward or wards if the county board proposes to place the municipality in two or more supervisory districts. The governing body of a municipality – the common council or village or town board – is responsible for establishing ward boundaries. An ordinance or resolution describing the ward boundaries must be adopted by a majority of the members of the governing body.

### ***Requirements for Constructing Wards***

In creating wards, municipalities are required to follow the standards specified in Section 5.15 of the statutes. Wards must:

- *Be comprised of whole census blocks*

Wards are constructed by aggregating whole census blocks so that the population of the ward falls within a predetermined range. The census block is the smallest unit for which population is tabulated, and is typically bounded by streets or other prominent physical features. Political limits (municipal and county boundaries) may also serve as block boundaries. Blocks may be as small as a typical city block bounded by four streets or as large as several square miles in rural areas. They usually contain less than 100 people.

There are two exemptions to the “whole block” requirement. A municipality may split a census block if its population is too large to permit the establishment of aldermanic districts of equal population. If annexed or detached territory divides a block, the affected municipalities may incorporate only the portion of the block contained within their boundaries.

Any division of blocks must be based on the best evidence available. “Best evidence” includes data such as housing units, utility connections, and vehicle registrations.

- *Suit the convenience of voters*  
Wards should “as far as practicable”, be kept compact and observe the community of interest of existing neighborhoods.
- *Be comprised of contiguous territory*  
The only exception is island territory which is defined as territory separated from the major part of the municipality by water or the territory of another municipality.
- *Take into account the county supervisory district plan*  
Municipalities must make a “good faith effort” to accommodate the tentative county supervisory district plan by establishing wards which meet the county’s needs.
- *Consider population and racial and ethnic characteristics*  
Wards must be constructed in a manner that permits the creation of supervisory and aldermanic districts of substantially equal population. They must also enhance the participation of members of racial or language minority groups in the political process and their ability to elect representatives of choice.
- *Comply with the population ranges specified by law*  
See Section on *Population Ranges of Wards*.
- *Wards may not cross municipal, county, or legislative district boundaries*

- *Reflect the municipal boundaries in place on August 1, 2001*

By specifying a uniform “snapshot” date for municipal boundaries, discrepancies are avoided in ward boundaries, especially those forming the boundaries between legislative districts.

### *Annexations*

In general, annexations take effect on the date specified by the annexation ordinance or resolution. For purposes of adjusting ward boundaries, however, territory affected by annexations and detachments occurring up to August 1, 2001, must be incorporated in the ward plan adopted by the municipality. Annexations (or detachments) which occur after August 1, 2001, are not delayed because of redistricting but are not relevant for purposes of municipal subdistricting or legislative redistricting. Thus, municipal wards and legislative districts will reflect the same municipal boundaries in effect on the August 1, 2001, “snapshot” date.

Two additional points relating to annexations bear mentioning. The first is that once the boundaries of legislative districts are established by the legislature, annexations, consolidations, detachments, or any other action by a municipality cannot alter legislative districts. If a city or village annexes territory that is part of an adjacent assembly district, the annexed territory remains, for the rest of the decade, in the assembly district in which it was placed by the legislature. The second point relates to the population of the annexed or detached territory. Because all redistricting must be based on the population as reported by the decennial federal census which enumerates inhabitants according to their residences on April 1, 2000, population shifts occurring between April 1, 2000 (the date used by the U.S. Bureau of the Census to determine place of residence), and August 1, 2001 (the date used by the legislature to determine municipal boundaries) must be computed using the April 1, 2000, information. For purposes of redistricting, all population remains in the municipality where it was located on August 1, 2001, and cannot be counted in another municipality because of a subsequent annexation or detachment.

Population shifts occurring during the decade are not reflected in supervisory or aldermanic districts recorded until the next decennial census is taken, except that a county may alter the boundaries of its supervisory districts during mid-decade to reflect municipal boundary changes and a city may adjust the number of aldermanic districts in the city (and adjust wards accordingly) not more than once every two years.

Thus, for purposes of redistricting, municipal boundaries must be shown as of August 1, 2001, and population must be allocated as reported by the Census Bureau based on residence as of April 1, 2000.

### *Population Ranges of Wards*

The population ranges for wards were not arrived at arbitrarily; they were intended to approximately correspond to the population ranges of the geographic reporting units used by the U.S. Bureau of the Census.

Statute Section 5.15 (1) (a) directs that the population of a ward be established at a “convenient point” within the population range set by law with “due consideration for the known trends of population increase or decrease”. Thus, the population of each ward should be set at a level which is consistent with the prescribed population ranges, and which can accommodate fluctuations in population over a relatively long time.

Section 5.15 (2) (b) establishes specific population ranges, tied to the population of the municipality, that wards must fall within:

| Population of Municipality            | Ward Population Range |
|---------------------------------------|-----------------------|
| Cities over 150,000 . . . . .         | 1,000 to 4,000        |
| Cities 39,000 to 149,999 . . . . .    | 800 to 3,200          |
| Cities, villages, or towns            |                       |
| 10,000 to 38,999 . . . . .            | 600 to 2,100          |
| 1,000 to 9,999 . . . . .              | 300 to 1,000          |
| Cities, villages, or towns to 999 . . | no division required  |

Wards may be established below the prescribed population ranges under several specified circumstances. These situations include territory which is located in a county or school district other than the county or school district in which the major part of the municipality is located; island territory containing resident population; territory which becomes part of a municipality after the adoption of a decennial ward plan; territory consisting of a portion of a ward the remainder of which has been detached from a municipality; and wards established to permit the creation of supervisory districts of equal population.

***Adjusting Ward Boundaries in 2001***

Ward boundaries are intended to be as permanent as possible with changes made only to accommodate changes in population growth patterns, alterations in municipal boundaries, or the mathematical requirements of creating election districts of equal population. Ward boundaries require adjustment under the following circumstances:

- *To reflect changes in population*  
Municipalities are required to adjust the boundaries of those wards which, according to the 2000 Census of Population, have either gained or lost population and as a result no longer fit with the statutory population ranges. A ward which exceeds the maximum of the applicable population range is to be divided into two or more wards; a ward which falls below the minimum of the applicable population range is to be combined with an adjacent ward or combined with the adjacent ward and subdivided into two or more wards.
- *To reflect changes in minority population*  
Municipalities are also required to consider the racial and ethnic characteristics of the population when adjusting ward boundaries so that members of racial or language minority groups have an opportunity to elect candidates of their choice. Although wards do not directly constitute election districts, they are used to form such districts. Thus, minority population must be distributed within a combination of wards in such a manner as to make it possible to combine those wards to construct an aldermanic or supervisory district in which a racial or language minority has an opportunity to elect a representative of its choice. Court decisions have held that Black and Hispanic populations must be given special attention in redistricting and that election districts must be drawn so that a minority group has a fair chance to elect a candidate of choice.
- *To reflect changes in municipal boundaries*  
Adjustments in ward boundaries must be made to accommodate annexations, detachments, or other changes in municipal boundaries that have occurred since the previous ward plan was adopted.

- *To accommodate the establishment of county supervisory districts*  
Wards may also need adjustment to permit the establishment of county supervisory districts of equal population. Municipalities are required to consider the tentative county supervisory district plan in determining whether existing ward boundaries need to be changed. The county's tentative plan is to indicate both the number and boundaries of the proposed supervisory districts. In the event that a municipality needs to be divided into two or more supervisory districts which cannot be accommodated within the existing ward plan, the county board is to submit a written statement to the municipality indicating the approximate location and population of the requested wards.
- *To facilitate the creation of aldermanic districts of equal population*  
A municipality may find it necessary to adjust existing ward boundaries if they no longer allow for the creation of aldermanic districts that are as nearly equal in population as practicable.
- *Mid-decade changes*  
Once established, the boundaries of each ward are to remain unchanged until the next decennial census. However, several exceptions are recognized, although no ward line adjustment may cross the boundary of an assembly district. A town board may adjust ward boundaries if a new town is created or if part of the town is annexed to a city or village and realignment of the remaining town wards becomes necessary. A city, village, or town must adjust ward boundaries to reflect a municipal detachment. New territory that becomes part of a municipality during the decade constitutes a new ward, even if that ward falls below the prescribed minimum population range. Finally, a ward may be adjusted by the legislature, as a matter of statewide concern, in the enactment of legislative districts.
- *To summarize:*  
The only reasons for adjusting ward boundaries are to: 1) comply with the population ranges required by law, 2) reflect changes in municipal boundaries occurring subsequent to the adoption of the previous ward plan, 3) permit the establishment of election districts of substantially equal population, and 4) permit the establishment of aldermanic or supervisory districts which enhance the participation of minorities in the political process and their ability to elect representatives of their choice.

The intent is that wards remain relatively permanent, with changes in ward boundaries made only to accommodate changes in population growth patterns, alterations in municipal boundaries, or the mathematical requirements of creating election districts of equal population.

In addition to the obvious benefit of greatly simplifying the task of reestablishing a ward plan based on the decennial census, municipalities benefit in other ways when ward lines are not disturbed. When wards remain relatively constant, the administration of elections is simplified. Although the combination of wards comprising an election district may change, and aldermanic, supervisory, legislative, and congressional districts must be redrawn to reflect shifts in population, ward boundaries often need not change. Voter identification with the ward develops and is strengthened over time, and election officials have fewer problems in administering elections.

## II. USING WARDS TO FORM ELECTION DISTRICTS

### *3-Step Process*

The establishment of municipal wards requires cooperation between the municipality and the county board of each county in which a municipality is located and involves a 3-step process. Each step must be completed within 60 days.

Step 1 requires the county board to submit a tentative county supervisory district plan to each municipal governing body in the county. The county board is required to hold a public hearing on the tentative plan. If a municipality needs to be divided and placed in more than one supervisory district, the board is to indicate the approximate location of the territory from which a ward is sought and the approximate population of the ward.

In step 2, municipalities have a maximum of 60 days to adjust ward boundaries to comply with the proposed supervisory district plan following receipt of the tentative plan.

The third 60-day step requires counties to adopt final supervisory district plans and cities to establish aldermanic district plans.

The governing body of a municipality – the common council or village or town board – is responsible for establishing ward boundaries. An ordinance or resolution describing the ward boundaries must be adopted by a majority of the members of the governing body. Section 5.18 of the Wisconsin Statutes provides that if a municipality fails to adopt a ward plan within the prescribed time period, the county or any elector of the municipality may submit a proposed ward plan to the appropriate circuit court. If the court finds that the existing municipal ward plan fails to comply with statutory requirements, it may promulgate the submitted plan, or any other plan, to serve as a temporary ward plan until superseded by a valid plan enacted by the municipality.

### *Time Table*

The official release of population data and census maps to county clerks on April 2, 2001, started the redistricting clock. As noted, counties have up to 60 days to enact a tentative redistricting plan; municipalities are allotted up to the following 60 days to enact an ordinance or resolution establishing municipal wards; and counties and municipalities are given up to 60 days to establish election districts. Each step begins when the previous step is completed and each step must be completed within 60 days. The 3 steps should be completed by September 2001. All local elections beginning January 1, 2002, must be from the newly established districts. The Wisconsin Legislature is given the entire 2001-2002 session to establish legislative district boundaries. As a practical matter – so that the 2002 legislative elections can be based on the new districts – the legislature must complete redistricting by the end of April 2002 to facilitate publication of the first legal notice in May 2002 for the 2002 fall elections.

| Requirement   | Date/Completed By |
|---|-------------------|
| P.L. 94-171 file received . . . . .                                       | March 8, 2001     |
| Population data distributed to local governments . . . . .                | April 2, 2001     |
| Counties adopt tentative supervisory plans . . . . .                      | June 2001         |
| Municipalities adopt ward plans . . . . .                                 | August 2001       |
| Counties establish supervisory districts . . . . .                        | October 2001      |
| Cities establish aldermanic districts . . . . .                           | October 2001      |
| Legislature establishes legislative and congressional districts . . . . . | April 2002        |

### *Numbering of Wards and Combining Wards for Voting Purposes*

Wards are to be designated by consecutive whole numbers beginning with the number "one". Wards may be combined to allow the use of a common polling place as long as the numbering of the combined wards is not changed. Municipalities having a population of 35,000 or more are required to maintain separate returns for all wards. Municipalities under 35,000 population are not required to maintain separate returns for combined wards as long as all voters in the combined wards are eligible to vote for the same offices. A resolution combining wards for voting purposes must be adopted prior to each election, although resolutions adopted by municipalities under 35,000 remain in effect until modified or rescinded.

## **III. COUNTY SUPERVISORY DISTRICTS**

There are 2 steps involved in the establishment of county supervisory districts. The first step requires the county board to adopt a preliminary county supervisory district plan within 60 days after detailed population data and block level maps are made available by the state. This data was distributed on April 2, 2001. The second step begins after municipalities adopt ward plans and requires the county board to enact a final supervisory district plan. A public hearing is required before adoption of both the tentative and final plans.

### *Step 1*

At the first public hearing, the county board is directed to solicit suggestions from municipalities concerning the proposed tentative plan. The plan may be amended after the public hearing to incorporate suggestions received. A copy of the tentative plan is to be sent to the governing body of each municipality in the county.

County boards are to work cooperatively with municipalities in establishing supervisory districts. Supervisory districts are to be comprised of whole contiguous municipalities, parts of the same municipality, or contiguous parts of adjoining municipalities consisting of whole wards. All districts are to be substantially equal in population. Dual member districts are not permitted. If the tentative plan requires that a municipality be divided between two or more districts, the county board is to provide the municipality with a copy of the plan and a statement specifying the approximate location and population of the territory needed for the ward.

If the county board fails to adopt a plan within 14 days from the expiration of the 60-day period, any municipality or voter within the county may submit a proposed plan to the circuit court. The court may promulgate that plan, or any other plan, as a temporary supervisory district plan until superseded by a valid plan enacted by the county board.

### *Step 2*

The second step in the process requires the county board to hold a second public hearing and adopt a final supervisory district plan. This is to occur within 60 days after all the municipalities in the county have adjusted wards. All wards within a supervisory district must be contiguous, except for wards that are wholly surrounded by water or another municipality, in which case the noncontiguous ward may be combined with its parent municipality to form a supervisory district. The county board chairperson is to file a copy of the final plan with the Secretary of State.

The complete text of Section 59.10 (3) (b) governing county supervisory districting is printed in the Appendix.

#### IV. ALDERMANIC DISTRICTS

The common council of a city is required to redistrict aldermanic districts within 60 days of adjusting its ward boundaries. Aldermanic districts are to be constructed from contiguous whole wards (including any isolated ward consisting of island territory surrounded by water or another municipality), must be as compact as possible, and must contain, as nearly as practicable, an equal number of inhabitants.

The redistricting ordinance must be adopted by a majority vote of all members of the common council. The common council is authorized to increase or decrease the number of aldermanic districts during the decade. Such action must not occur more frequently than once every two years and requires a two-thirds vote of the common council.

Only towns and villages with a population of 1,000 or more are required to establish wards. However, all municipalities may be required to establish wards when necessary to create supervisory, legislative, or congressional districts of equal population. Town supervisors and village trustees continue to be elected on an at-large basis.

The text of Section 62.08, pertaining to the alteration of aldermanic districts, is printed in the Appendix.

#### V. REPORTING REQUIREMENTS

In addition to the division ordinance or resolution, municipalities must provide to the county clerk of each county in which the municipality is located, a list of census block numbers (Census Tract/BNA and census block) contained within each ward. Any split blocks must be so identified and the population for each part provided, based on the April 1, 1990, reporting date. A map of the municipality showing the revised ward boundaries is also required. The resolution or ordinance, list of blocks, and map must be sent to the appropriate county clerk or clerks within five days after adoption of the ward plan.

Municipalities over 10,000 population are also required to send an additional copy of the ordinance or resolution, block number list, and map to the Legislative Reference Bureau (P.O. Box 2037, Madison, WI 53701-2037) within five days of the adoption of the ward plan. This information will be entered into the redistricting database to be used for redrawing legislative district boundaries.

Additional instructions will be sent concerning the format for reporting information.

#### VI. FOR FURTHER INFORMATION

For assistance in ward subdistricting and alteration of election districts, local officials have a number of resources available including regional planning commissions, county extension agents, county land information officers, and local government interest groups. There are also several Internet web sites that provide useful information. Population data, maps, and other information are available on the Wisconsin Legislature redistricting web site at: <http://www.legis.state.wi.us/ltsb/redistricting>. The U.S. Census Bureau web site provides downloadable maps and redistricting population data at: <http://www.census.gov/clo/www/redistricting.html>. (See Appendix B).

At the state and regional level, information is available from several sources. These include:

**Legislative Reference Bureau**

100 North Hamilton Street  
P.O. Box 2037  
Madison, Wisconsin 53701-2037

Contact: Peter Cannon (608) 266-5446; [peter.cannon@legis.state.wi.us](mailto:peter.cannon@legis.state.wi.us)

For: General information on redistricting  
Format for sending ward plans to the state  
Copies of maps

Contact: Larry Barish (608) 266-0344; [larry.barish@legis.state.wi.us](mailto:larry.barish@legis.state.wi.us)

For: General information on redistricting

Contact: Rob Marchant (608) 261-4454; [robert.marchant@legis.state.wi.us](mailto:robert.marchant@legis.state.wi.us)

For: Legal requirements for state and local redistricting

Contact: Steve Miller (608) 267-2175; [steve.miller@legis.state.wi.us](mailto:steve.miller@legis.state.wi.us)

For: General information on redistricting

**Legislative Technology Services Bureau**

Suite 400, 17 South Fairchild Street  
Madison, Wisconsin 53703-3219

Contact: Tony Van Der Wielen (608) 267-9528; [tony.vanderwielen@legis.state.wi.us](mailto:tony.vanderwielen@legis.state.wi.us)

For: Information on using WISE-LR software  
Electronic data  
Copies of maps

**Applied Population Laboratory**

Department of Rural Sociology  
316 Agriculture Hall, 1450 Linden Drive  
Madison, Wisconsin 53706

Contact: Dan Veroff, Extension Demographic Specialist (608) 265-9545;

[dveroff@facstaff.wisc.edu](mailto:dveroff@facstaff.wisc.edu)

For: Census data questions

Contact: Nicholas Fisher, Cartographer (608) 262-9156; [nfisher@ssc.wisc.edu](mailto:nfisher@ssc.wisc.edu)

For: Information on using WISE-LR software

**Demographic Services Center**

Wisconsin Department of Administration  
P.O. Box 7864  
Madison, Wisconsin 53707-7864

Contact: Bob Naylor (608) 266-1927; [bob.naylor@doa.state.wi.us](mailto:bob.naylor@doa.state.wi.us)  
For: General demographic data

**State Elections Board**

Suite 200, 132 E. Wilson Street  
Madison, Wisconsin 53702

Contact: George Dunst (608) 266-0136; [george.dunst@seb.state.wi.us](mailto:george.dunst@seb.state.wi.us)  
For: Questions on administration of elections

**U.S. Census Bureau**

111 West Jackson Blvd., 4th Floor  
Chicago, Illinois 60604

Contact: Scott Duel, Asst. Regional Census Manager (312) 353-9605; [scott.w.duel@census.gov](mailto:scott.w.duel@census.gov)  
For: Count Question Resolution (CQR) program  
Boundary, geocoding, and coverage corrections

**VII. APPENDIX**

**A: Statutory References**

The following statute sections are reprinted from the Updated 99-00 Wis. Stats. Database.

*Text of Section 5.15*

**5.15 Division of municipalities into wards. (1)** (a) Every city, village and town in this state shall by its common council or village or town board, respectively, be divided into wards as provided in this section, except as authorized in sub. (2). The boundaries of the wards established under this section, and the number assigned to each ward, are intended to be as permanent as possible, and to this end each ward shall when created contain a population at a convenient point within the applicable population range under sub. (2) (b), with due consideration for the known trends of population increase or decrease within that part of the municipality in which the ward is located. Once established, the boundaries of each ward shall remain unchanged until a further decennial federal census of population indicates that the population of a ward is then above or below the applicable population range or until 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. If the population of a ward has increased above the maximum of its popu-

lation range or if the population of a ward must be decreased for a reason specified in this paragraph, the ward shall be divided into 2 or more wards in compliance with sub. (2) (b). If the population of a ward has decreased below the minimum of its population range or if the population of a ward must be increased for a reason specified in this paragraph, the ward shall, if possible, be combined with an adjoining ward, or the underpopulated ward and one adjoining ward shall be combined and together subdivided into 2 or more wards in compliance with sub. (2).

(b) Except as authorized in sub. (2) (a), within 60 days after the receipt of a tentative supervisory district plan and written statement, if any, from the county board of each county in which a municipality is located, the governing body of the municipality shall adjust its wards according to the schedule shown in sub. (2). All territory contained within the municipality, and only the territory so contained, on August 1 following the year of the federal decennial census shall be contained within a ward. Except as authorized in sub. (2), each ward shall consist of whole blocks. To suit the convenience of the voters

residing therein each ward shall, as far as practicable, be kept compact and observe the community of interest of existing neighborhoods and other settlements. All territory within a ward shall be contiguous, except for island territory as defined in sub. (2) (f) 3. Enactment or adoption of a division ordinance or resolution requires the affirmative vote of a majority of the members of the governing body.

(c) The wards established by municipal governing bodies under this section on the basis of the published results of each federal decennial census of population shall govern the adjustment of supervisory districts under s. 59.10 (2) (a) and (3) (b) and of aldermanic districts under s. 62.08 (1) for the purpose of local elections beginning on January 1 of the 2nd year commencing after the year of the census until revised under this section on the basis of the results of the next decennial census of population unless adjusted under sub. (2) (f) 4., (6) (a) or (7), or unless adjusted, as a matter of statewide concern, in the enactment of legislative districts under article IV, section 3, of the constitution on the basis of the most recent decennial census of population.

(d) Every ward shall be wholly contained within a single county.

(2) (a) Except as required by par. (d), 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 under this section, but any such city, village or town may divide itself into wards if the creation of wards facilitates the administration of elections. No village or town located in a county having only one town is required to be divided into wards under this section.

(b) 1. In any city in which the population is at least 150,000, each ward shall contain not less than 1,000 nor more than 4,000 inhabitants.

2. In any city in which the population is at least 39,000 but less than 150,000, each ward shall contain not less than 800 nor more than 3,200 inhabitants.

3. In any city, village or town in which the population is at least 10,000 but less than 39,000, each ward shall contain not less than 600 nor more than 2,100 inhabitants.

4. In any city, village or town in which the population is less than 10,000, each ward shall contain not less than 300 nor more than 1,000 inhabitants.

(bm) Every city electing the members of its common council from aldermanic districts shall assemble the blocks wholly or partially contained within the city into wards that will enable the creation of aldermanic districts that are substantially equal in population.

(c) If the population of a block exceeds the maximum population for a ward otherwise specified in this subsection, such block shall be constituted a ward by itself, except that if the population of a block substantially exceeds the population of proposed aldermanic districts in a city so that, if the block were to constitute an aldermanic district, the populations of the aldermanic districts in the city would not be substantially equal, the city shall divide the block to permit assembly into wards that will enable creation of aldermanic districts that are substantially equal in population.

(cm) Any division of blocks under this section shall be based on the best evidence available. In this paragraph, "best evidence" includes, but is not limited to, the population of the block and other information received from the U.S. bureau of the census and such data as number of housing units, utility connections and vehicle registrations or a special census conducted locally. For each ward so established, the population estimate shall be correlated with the results of the most recent federal decennial census, so that the total population reported for all wards in the municipality agrees with the census results.

(d) Every municipality shall make a good faith effort to accommodate the tentative plan submitted by the county or counties in

which it is located under s. 59.10 (2) (a) or (3) (b) 1., and shall divide itself into wards in such a manner that will permit the creation of county supervisory districts in accordance with the population requirements for the plan specified in s. 59.10 (2) (a) or (3) (b) 1.

(e) Notwithstanding par. (b), if territory is detached from a city, village or town after adoption of a decennial ward plan, and the remaining portion of the ward to which it was attached falls below the prescribed minimum population for the applicable range, the remaining portion of the population may be constituted a ward by itself.

(f) Notwithstanding par. (b), any city, village or town may establish a ward below the prescribed minimum population for the applicable range whenever the proposed ward is established under par. (a), (d) or (e) or whenever the proposed ward contains solely:

1. That part of a city or village situated in a county other than the county in which the major part of the municipality is located.

2. That part of a city, village or town belonging to a school district other than the school district to which the major part of the municipality belongs.

3. Island territory containing a resident population. In this subdivision, "island territory" means territory surrounded by water, or noncontiguous territory which is separated by the territory of another municipality or by water, or both, from the major part of the municipality to which it belongs.

4. New territory which becomes a part of a city, village or town after the adoption of a decennial ward plan.

(g) If a block is affected by an annexation or detachment which establishes a municipal boundary that subdivides the block, the municipalities in which the block is contained shall incorporate only the portion of the block contained within their boundaries in their ward plans.

(4) (a) The division ordinance or resolution shall number all wards in the municipality in whole numbers in consecutive order, beginning with the number one, shall designate the polling place for each ward, and shall describe the boundaries of each ward consistent with the conventions set forth in s. 4.003. The ordinance or resolution shall be accompanied by a list of the block numbers used by the U.S. bureau of the census that are wholly or partly contained within each ward, with any block numbers partly contained within a ward identified, and a map of the municipality which illustrates the revised ward boundaries.

(b) Within 5 days after adoption or enactment of an ordinance or resolution under this section, the municipal clerk shall transmit one copy of the ordinance or resolution to the county clerk of each county in which the municipality is contained, accompanied by the list and map specified in par. (a). If the population of the municipality exceeds 10,000, the municipal clerk shall furnish one copy to the legislative reference bureau at the same time. Each copy shall identify the name of the municipality and the county or counties in which it is located.

(5) When a town is divided into wards, the annual town meeting and special town elections shall be held at the first ward.

(6) (a) Following any municipality-wide special federal census of population, the governing body of the municipality in which the special census was held may, by ordinance or resolution, adjust the ward boundaries, but no ward line adjustment may cross the boundary of an assembly district. The municipal clerk shall transmit copies of the ordinance or resolution in compliance with sub. (4) (b).

(b) No later than 60 days before each September primary and general election, and no later than 30 days before each other election the governing body of any municipality may by resolution combine 2 or more wards for voting purposes to facilitate using a common polling place. Whenever wards are so combined, the original ward numbers shall continue to be utilized for all official purposes. Except as otherwise authorized under this paragraph, every municipality having a

population of 35,000 or more shall maintain separate returns for each ward so combined. In municipalities having a population of less than 35,000, the governing body may provide in the resolution that returns shall be maintained only for each group of combined wards at any election. Whenever a governing body provides for common ballot boxes and ballots or voting machines, separate returns shall be maintained for each separate ballot required under ss. 5.62 and 5.64 at the September primary and general election. The municipal clerk shall transmit a copy of the resolution to the county clerk of each county in which the municipality is contained. In municipalities having a population of less than 35,000, the resolution shall remain in effect for each election until modified or rescinded, or until a new division is made under this section.

(7) If a new town is created or if part of a town is annexed to a city or village during a decennial period after the period for ward adjust-

ments under sub. (1) (b), the town board of any town to which territory is attached or from which territory is detached, without regard to the time provisions of sub. (1) (b), may, by ordinance or resolution, adjust the wards in that town, but no ward line adjustment may cross the boundary of an assembly district. The town clerk shall transmit copies of the ordinance or resolution making the adjustment in compliance with sub. (4) (b).

(8) Until divided, all elections are held in the established wards.

**History:** 1971 c. 304 ss. 3 to 5, 29 (2); 1977 c. 26, 418, 427, 449; 1979 c. 260; 1981 c. 4 ss. 2 to 10, 18; 1981 c. 314; 1983 a. 29, 192, 442; 1983 a. 484 ss. 8e, 174; 1983 a. 538; 1985 a. 304 ss. 8 to 10, 12; 1987 a. 391; 1991 a. 5, 143, 315; 1993 a. 213; 1995 a. 201; 1999 a. 182.

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

### Text of Section 5.18

**5.18 Enforcement of division requirement.** If any municipality fails to comply with s. 5.15, the county in which the municipality is located or any elector of the municipality may submit to the circuit court for any county in which the municipality is located within 14 days from the expiration of the 60-day period under s. 5.15 (1) (b) a proposed plan for the division of the municipality into wards in compliance with this section. If the circuit court finds that the exist-

ing division of the municipality into wards fails to comply with s. 5.15, it shall review the plan submitted by the petitioner and after reasonable notice to the municipality may promulgate the plan, or any other plan in compliance with s. 5.15, as a temporary ward plan for the municipality to remain in effect until superseded by a ward plan adopted by the governing body in compliance with s. 5.15.

**History:** 1985 a. 304 ss. 9, 11, 12.

### Text of Section 59.10

**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, 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.

(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.

3. In this paragraph, a district which includes territory connected to other territory from corner to corner is contiguous.

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.* 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.

(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 for the unexpired portion of the term to which the person is appointed and until his or her successor is elected and qualified.

(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 meetings 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 incorporated village. A supervisor from an incorporated 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.

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

See s. 59.20 (1) for county supervisor residency requirement.

See s. 66.196 for restriction 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 the adopt 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. Constitutionality of sub. (3) (a) 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 where he is appointed 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.

### *Text of Section 62.08*

**62.08 Alteration of aldermanic districts.** (1) Within 60 days after the wards have been readjusted under s. 5.15 (1) and (2) the common council of every city, including any city of the first class, shall redistrict the boundaries of its aldermanic districts, by an ordinance introduced at a regular meeting of the council, published as a class 2 notice, under ch. 985, and thereafter adopted by a majority vote of all the members of the council, so that all aldermanic districts are as compact in area as possible and contain, as nearly as practicable by combining contiguous whole wards, an equal number of inhabitants according to the most recent decennial federal census of population.

(2) If territory becomes a part of any city after adoption of the ordinance under sub. (1), the limitations of s. 5.15 relating to population or area do not apply to the creation of new wards in the attached territory, or to the addition of the territory to an existing ward, but no ward line adjustment may cross the boundary of an assembly district.

(3) Whenever the boundaries of aldermanic districts are altered, or new aldermanic districts created, every aldermanic district or ward officer residing within the territory of a new or altered aldermanic district shall hold the same respective office therein for the remainder of the officer's term; and all other vacancies shall be filled as provided by law for the filling of such vacancies.

(4) The common council of any city may, by a two-thirds vote

of all its members but not more frequently than once in 2 years, increase or decrease the number of aldermanic districts or the number of members of the city council, and in that case shall redistrict, readjust and change the boundaries of aldermanic districts, so that they are as nearly equal in population according to the most recent city-wide federal census as practicable by combining contiguous whole wards. In redistricting such cities the original numbers of the aldermanic districts in their geographic outlines shall as far as possible be retained, and the aldermanic districts so created and those the boundaries of which are changed shall be in as compact form as possible.

(5) If a city fails to comply with sub. (1), any elector of the city may submit to the circuit court for any county in which the city is located within 14 days from the expiration of the 60-day period under sub. (1) a proposed plan for creation of aldermanic districts in compliance with this section. If the court finds that the existing division of the city into aldermanic districts fails to comply with this section, it shall review the plan submitted by the petitioner and after reasonable notice to the city may promulgate the plan, or any other plan in compliance with this section, as a temporary aldermanic district plan until superseded by a districting plan adopted by the council in compliance with this section.

**History:** 1971 c. 304, 336; 1973 c. 12; 1979 c. 260; 1981 c. 4; 1985 a. 304; 1991 a. 316.

**B: Web Sites**

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In Wisconsin, responsibility for redrawing legislative and congressional district lines rest with the legislature. The legislature is required to redraw legislative and congressional districts every 10 years based upon the results of the decennial federal census.

Despite changes in redistricting technology and uncertainty about judicial standards, the purpose of redistricting and the end result remains unchanged – that is, the establishment of election districts which provide representational equality for all potential voters.

As the Wisconsin Legislature prepares for redistricting, this site will aim to provide Legislators and other interested persons with information related to redistricting in Wisconsin.

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