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201 North, State Capitol
Madison, Wisconsin 53702

Telephone Area Code 608

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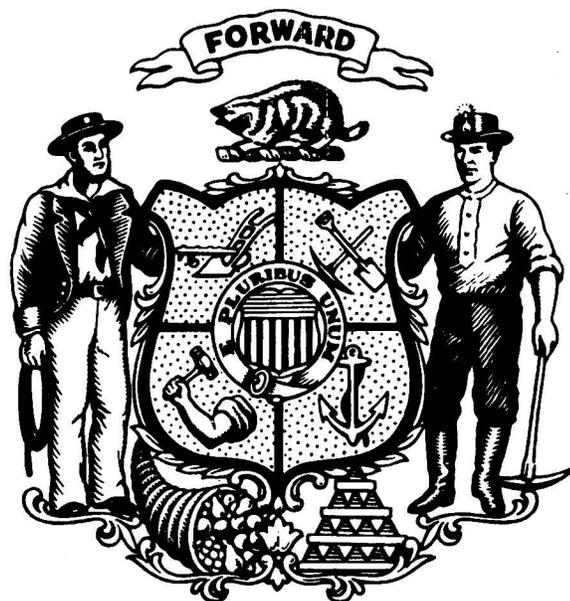
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Dr. H. Rupert Theobald, Chief

MUNICIPAL WARD SUBDISTRICTING REQUIREMENTS FOLLOWING THE 1980 FEDERAL CENSUS OF POPULATION

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MUNICIPAL WARD SUBDISTRICTING REQUIREMENTS FOLLOWING THE 1980 FEDERAL CENSUS OF POPULATION

I. THE PURPOSE OF MUNICIPAL WARDS

Wisconsin law requires all cities, villages and towns with a population of 1,000 or more to establish wards, following publication of the final results of the 1980 Census of Population. These wards do not constitute election districts from which delegates are elected, and thus are not subject to the "one person, one vote" requirement governing the formation of election districts. Instead, municipal wards are intended to serve as the subunits which are aggregated into election districts of equal population. Once established, these wards will serve as the basic building blocks to be used by the legislature, county boards and city councils in redistricting their respective election districts.

In addition to facilitating the establishment of election districts, the local determination of ward lines potentially assists municipal planners. If the ward lines have been drawn in conformity with the natural structure of each municipality — established neighborhoods, rivers, railroads, major thoroughfares — the statistical information furnished by the U.S. Census Bureau on the basis of wards can be used for a variety of municipal planning applications. The primary advantage is that local officials are provided an opportunity to draw ward boundaries based on local planning needs. The residents of a municipality can best determine what subdistrict lines are sensible for planning purposes in that locality. This introduces into the otherwise abstract, objective statistical procedure of census taking a much-needed element of human value judgment. If properly constituted, wards can be used by the U.S. Census Bureau as enumeration districts or census tracts, thus resulting in more readily usable census information for the municipality.

II. LEGISLATIVE BACKGROUND

The 1971 Wisconsin Legislature enacted legislation authorizing municipalities to establish ward boundaries roughly equivalent to the census units by the U.S. Bureau of the Census. The provision was part of the legislative reapportionment act adopted in 1972 (Chapter 304, Laws of 1971). The underlying rationale was to provide municipalities with an opportunity to influence the delineation of enumeration districts and census tracts and thus have available a useful tool for statistical planning purposes.

The usefulness of the Wisconsin law was enhanced when the U.S. Congress enacted federal legislation in 1975 (P.L. 94-171, 13 USC 141) which permitted municipalities to receive 1980 Census data for specific geographic areas. In order to qualify for the program, it was necessary for municipalities to draw and submit subdistrict maps by April 1, 1977, to be forwarded by the state to the U.S. Bureau of the Census. Approximately 200 municipalities participated under the voluntary program and will receive 1980 data which corresponds to ward boundaries.

The 1979 Legislature enacted Assembly Bill 322 (Chapter 260, Laws of 1979) which makes a number of changes in the procedures to be followed by municipalities in drawing ward lines. The establishment of wards within statutorily-mandated population ranges was optional prior to the 1980 Census; it now is a mandatory requirement for all cities, villages and towns over 1,000 population, once the final published results of the 1980 Census become available.

Under the newly revised ward requirements, ward boundaries are intended to be "as permanent as possible" and municipalities are directed to take into account the population trends and growth patterns of the area in which a ward is located.

Assembly Bill 322 also clarified the distinction between the equal population redistricting of aldermanic districts and a municipality's voluntary change in the number of aldermanic districts or the number of members of its common council. Prior law did not differentiate between the two, stipulating a two-thirds vote by the common council for adoption of either. The new provision states that the required equal population redistricting can be enacted by a simple majority vote of the common council, while any voluntary change in the number of districts or members would continue to require a two-thirds vote.

III. MUNICIPAL SUBDISTRICTING REQUIREMENTS OF SECTION 5.15, WIS. STATS.

Section 5.15, the basic statute governing the division of municipalities into wards, applies to all cities, villages and towns with a population of 1,000 or more, as determined by the 1980 Census of Population. Responsibility for subdistricting rests with the governing body of the municipality — the common council for a city, the village board for a village and the town board for a town. A majority vote of the members of the respective governing body is needed to adopt a ward plan.

Municipalities are given 90 days from the date that printed census data is made available by the Census Bureau or by a Wisconsin state agency to construct or adjust ward lines in compliance with the law. The law is quite specific regarding the process of drawing ward lines and provides a detailed framework to be followed by local officials in devising wards.

The following represents a summary of the significant requirements contained in Section 5.15:

Population of Wards

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

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

The population ranges for wards were not arrived at arbitrarily; they were intended to approximately correspond to the population ranges of census tracts and enumeration districts used by the U.S. Bureau of the Census.

As defined by the Bureau of the Census, census tracts are statistical subdivisions of Metropolitan Statistical Areas (MSA's consist of cities of 50,000 inhabitants or more together with the county or counties in which they are located) with an average population of about 4,000. Enumeration districts are administrative areas averaging 800 inhabitants, used both for census collection and tabulation purposes. Other statistical areas used by the Bureau of the Census include block groups, consisting of city blocks averaging 1,000 population, and blocks, the smallest unit, averaging 100 inhabitants and bounded by four streets or some other physical feature.

Drawing Ward Lines

Wards are to consist of whole census enumeration districts or of whole urban blocks, where block statistics are available. Municipalities are directed to form wards which are as compact "as practicable" and which "observe the community of interest of existing neighborhoods and other settlements".

The law states that the numbering and boundaries of wards are intended to be "as permanent as possible". To meet this objective, Section 5.15 instructs municipalities to approach subdistricting with "due consideration" of the pattern of population increases or decreases within the part of the municipality in which the ward is located. Thus, the population of each ward should be set at a level which is consistent with the prescribed population range, and which can accommodate fluctuations in population over a relatively long period of time.

Adjustments to Ward Boundaries

The act further provides that ward boundaries remain unchanged until a subsequent decennial federal census indicates that the population of a ward no longer is in the required population ranges. A ward which exceeds the maximum population range is to be divided into two or more wards; a ward which falls below the minimum population level is to be combined with an adjacent ward or combined with an adjoining ward and subdivided into two or more wards.

Section 5.15 (6) (a) provides that following any municipality-wide special federal census of population, the governing body may adjust ward boundaries, subject to the limitation that no ward line adjustment may cross the boundary of an assembly district.

Numbering of Wards

Section 5.15 (4) (a) requires all wards within a municipality to be numbered in consecutive order.

Use of Wards for Establishing Supervisory and Aldermanic Districts

Section 5.15 (1) (b) provides that municipal ward boundaries shall govern the adjustment of supervisory districts and aldermanic districts for the purpose of local elections beginning January 1,

1982. Adjustment of ward boundaries is permitted if necessitated by the results of a subsequent federal decennial census, or "as a matter of statewide concern" incident to the enactment of legislative districts.

Text of Section 5.15

The complete text of Section 5.15, incorporating the changes made by Chapter 260, Laws of 1979 (1979 Assembly Bill 322), reads as follows:

5.15 Division of municipalities into wards.

Every city, village or town in this state shall by its common council or village or town board, respectively, be divided into wards as further provided in this section if, according to the final published results of the most recent federal decennial census of population, the municipality contained a total population of 1,000 or more. 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), 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. If the population of a ward has increased above the maximum of its population range, such ward shall be divided into 2 or more wards in compliance with sub. (2). If the population of a ward has decreased below the minimum of its population range such 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). For the purpose of sub. (2), 'population' means the population by census enumeration district or urban block established in the most recent federal decennial census of population.

(1) (a) Within 90 days after the population count by rural enumeration district or urban city block, established in the decennial federal census of population, becomes available in printed form from the federal government or is published for distribution by an agency of this state, the governing body of every municipality with a population of 1,000 or more shall adjust its wards according to the schedule shown in sub. (2). Each ward shall consist of whole census enumeration districts or, where block statistics are available for urban blocks, of whole urban 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. The division of a municipality into wards shall be made by the common council for each city, by the village board for each village, and by the town board for

each town. Passage of a division order or resolution requires the affirmative vote of a majority of the members of the respective governing body.

(b) The wards established by municipal governing bodies under this section on the basis of the published results of the 1980 census of population shall govern the adjustment of supervisory districts under s. 59.03 (2) (a) and (3) (b) and of aldermanic districts under s. 62.08 (1) for the purpose of local elections beginning on January 1, 1982, and thereafter unless revised under s. 5.15 on the basis of the results of the 1990 census of population or unless adjusted, as a matter of statewide concern, in the enactment of legislative districts under section 3 of article IV of the constitution on the basis of the most recent decennial census of population.

(2) If the population of a rural enumeration district or urban block exceeds the maximum population otherwise specified in this subsection, such enumeration district or block shall be constituted a ward by itself.

(a) 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.

(b) 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.

(c) 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.

(d) In any city, village or town in which the population is at least 1,000 but less than 10,000, each ward shall contain not less than 300 nor more than 1,000 inhabitants.

(e) No city, village or town in which the population is less than 1,000 is required to be divided into wards under this section.

(3) If any municipality fails to comply with this section, any voter residing in the municipality may submit to the circuit court for the municipality within 2 weeks from the expiration of the 90-day period under this section a proposed plan for the division of the municipality into wards in compliance with this section. If the circuit court finds that the existing division of the municipality into wards fails to comply with this section, it shall review the plan submitted by the petitioner and may promulgate it, or any other plan in compliance with this section, as a temporary ward plan for the affected municipality to remain in effect

until superseded by a ward plan adopted by the governing body in compliance with this section.

(4) (a) The division order or resolution shall number all wards in the municipality in consecutive order, designate the polling place for each ward, and describe the boundaries of each ward consistent with the conventions set forth in s. 4.002.

(b) The resolution or order shall be filed with the proper municipal clerk, who shall transmit a copy to the county clerk within 5 days.

(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 adjust the ward boundaries, but no ward line adjustment may cross the boundary of an assembly district. The

governing body shall file a copy of the order or resolution in compliance with this section.

(b) No later than 60 days before an 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, but the wards so combined shall retain their separate identities. A copy of the resolution shall be filed in the same manner as for changes or adjustments in ward boundaries under sub. (4) (b). The resolution shall remain in effect for each election until modified or rescinded, or until a new division is made following the next census.

(7) When part of a town is annexed to a city or village, the town board, without regard to the time provisions of sub. (3), may adjust the remaining wards in that town and shall file a copy of the order or resolution in compliance with this section.

IV. THE USE OF MUNICIPAL WARDS FOR REDISTRICTING

As noted previously, municipal wards are intended to be the common building blocks for forming all types of election districts — aldermanic districts, supervisory districts, state senate and assembly districts, and congressional districts.

Under the two-step system enacted by the Legislature, localities have 90 days after receiving census information of sufficient detail to establish wards and forward that information to the county and then to the state. Thereafter, the counties and cities have another 90-day period, and the State Legislature has the entire 1981 session, to establish their respective supervisory, aldermanic and state legislative election districts. As a practical matter — so that the 1982 legislative elections can be based on the new districts — the Legislature must complete its redistricting by the end of April 1982 to facilitate publication of the type A notice for the fall elections.

County Supervisory Districts

Section 59.03 (3) (b) of the statutes, as amended by Chapter 221, Laws of 1979 (1979 Assembly Bill 322), governs county supervisory districting:

59.03 (3) (b) *Creation of supervisory districts.* Within 90 days after every municipality in the county has adjusted its wards under s. 5.15, the county board in each such county shall establish and number supervisory districts, after a public hearing, in such a manner that by combining contiguous whole wards each

supervisor shall represent as nearly as practicable an equal number of inhabitants according to the most recent decennial federal census of population. The chairperson of the county board shall file a certified copy of the districting plan with the secretary of state.

Section 59.03 (3) (c) pertains to the circumstances permitting alteration of supervisory district boundaries between federal decennial censuses:

59.03 (3) (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 county 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 county board under said paragraph and filed with the secretary of state.

Aldermanic Districts

Section 62.08 of the statutes sets forth the procedures regulating aldermanic districting. The 1979 Legislature amended Section 62.08 by specifying a majority vote, rather than the previously required two-thirds vote, to enact an aldermanic districting plan limited to equalizing district populations after each federal decennial census. The 1979 amendment also added language directing municipalities to

construct aldermanic districts "by combining whole contiguous wards". In addition, the revised procedures state that adjustments to ward lines may not cross the boundary of an assembly district nor may municipalities alter the number of aldermanic districts more frequently than once in two years. The revised text is as follows:

62.08 (1) Within 90 days after the wards have been readjusted under s. 5.15 (intro.) to (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 new area is subsequently annexed to any city, the limitations of s. 5.15 relating to population or area shall not apply to the creation of new wards in the area annexed, or to the addition of the area 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 his 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.

Towns and Villages

Town board members and village trustees will continue to be elected on an at-large basis. In those towns and villages with a population of 1,000 or more, wards will be established to facilitate election administration, with voters casting ballots on a ward basis.

V. IMPLEMENTING THE WARD DISTRICTING PROCEDURES FOLLOWING THE 1980 CENSUS

The Timetable

The law requires that municipalities submit a ward districting plan within 90 days of receiving printed census data by rural enumeration district or urban city block. Although preliminary data by minor civil division may be available as soon as mid-July or August of 1980, it is estimated that more precise data suitable for subdistricting purposes will not be published until late fall-winter 1980-81. The precise date will depend on where the Census Bureau places Wisconsin vis-a-vis the other 49 states for data processing purposes. Thus, at this point it appears that the earliest deadline for municipalities to draw ward boundaries would be in early 1981. Public Law 94-171 sets April 1, 1981 as the deadline for the Census Bureau to provide 1980 census data to the states.

Once municipal wards are established, municipalities and counties have a 90 day period to establish election districts. Following the 1970 Census, this period commenced when the Secretary of State certified the official population count to the county clerks on September 1, 1971.

Determining the Population of Wards

As noted previously, wards need not be equal in population. Wards must fall within the statutorily prescribed population ranges, but municipalities have a great deal of flexibility in determining the population of each ward. Although the intent of the law was for municipalities to create wards containing a population number convenient for election administration, it is equally important for municipalities to consider the permanency of the ward divisions in terms of future population growth. Thus, some thought should be given to establishing wards not at the population minimum or maximum, but, rather, based on local experience at a point within the range so that the boundaries are likely to survive for two or more decades. If, for example, planners forecast that a downtown area will continue to lose population, the wards in that area should be established near the maximum population. Conversely, if planners expect that population will continue to grow in a suburban or redevelopment area, then the ward populations in those areas should be established at a point near the minimum of the range.

Municipalities also have some latitude in the total number of wards established. The larger the total population, the greater the number of options to choose from in creating wards. However, whatever number of wards is ultimately agreed upon, the overall goal is to establish a ward plan which: a) will require relatively little adjustment after the 1990 Census; and b) will permit the combining of convenient adjoining wards into election districts of nearly equal population.

The Role of the Demographic Services Center

The Demographic Services Center (formerly known as the Census Clearing House) of the Department of Administration will verify and publish population data received from the Bureau of the Census. The center will also coordinate municipal subdistricting by collecting local maps from the county clerks and transmitting that information to the U.S. Census Bureau. Technical assistance in preparing municipal ward maps will be available from the Demographic Services Center if such help is requested.