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November 21, 2011

**VIA MESSENGER**

Mr. A. John Voelker  
Acting Clerk of Supreme Court  
Wisconsin Supreme Court  
110 East Main Street, Suite 215  
Madison, WI 53703

Re: Dennis Clinard, et al. v. Michael Brennan, et al.

Dear Mr. Voelker:

Enclosed for filing please find the original and 10 copies of the following:

1. Petition for Appointment of Three Judge Panel Pursuant to Wis. Stat. §§ 751.035 and 801.50(4m) or, in the Alternative, for Leave to Commence an Original Action Seeking Declaratory Judgment and Other Relief;
2. Memorandum in Support of Petition for Leave to Commence an Original Action Seeking Declaratory Judgment and Other Relief.

Please return a file-stamped copy with the messenger completing this delivery.

Thank you for your time and attention to this matter.

Sincerely,

**MICHAEL BEST & FRIEDRICH LLP**

A handwritten signature in blue ink, appearing to read "Eric M. McLeod".

Eric M. McLeod

EMM:skt

Enclosures

cc: Kevin J. Kennedy  
Brady C. Williamson  
Maria S. Lazar  
Attorney General J.B. Van Hollen

**RECEIVED**

NOV 21 2011

CLERK OF SUPREME COURT  
OF WISCONSIN

STATE OF WISCONSIN  
SUPREME COURT

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DENNIS CLINARD, ERIN M. DECKER,  
LUONNE A. DUMAK, DAVID A. FOSS,  
LaVONNE J. DERKSEN, PAMELA S. TRAVIS,  
JAMES L. WEINER, JEFF L. WAKSMAN and  
KEVIN CRONIN,

Petitioners,

and

Case No.

ALVIN BALDUS; CINDY BARBERA; CARLENE  
BECHEN; ELVIRA BUMPUS; RONALD BIENDSEIL;  
LESLIE W. DAVIS III; BRETT ECKSTEIN; GLORIA  
ROGERS; RICHARD KRESBACH; ROCHELLE  
MOORE; AMY RISSEEUW; JUDY ROBSON; JEANNE  
SANCHEZ-BELL; CECELIA SCHLIEPP; TRAVIS  
THYSSEN,

Involuntary Petitioners,

v.

MICHAEL BRENNAN, DAVID DEININGER, GERALD  
NICHOL, THOMAS CANE, THOMAS BARLAND and  
TIMOTHY VOCKE each in his official capacity as a member  
of the WISCONSIN GOVERNMENT ACCOUNTABILITY  
BOARD; and KEVIN KENNEDY, Director and General  
Counsel for the Wisconsin Government Accountability Board;

Respondents.

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**PETITION FOR APPOINTMENT OF THREE JUDGE PANEL PURSUANT TO WIS.  
STAT. §§ 751.035 and 801.50(4m) OR, IN THE ALTERNATIVE, FOR LEAVE TO  
COMMENCE AN ORIGINAL ACTION SEEKING DECLARATORY JUDGMENT AND  
OTHER RELIEF**

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## INTRODUCTION

This matter concerns the reapportionment of legislative and congressional districts in the State of Wisconsin. The Petitioners seek a declaration from this Court concerning the validity of certain legislation which, following the 2010 federal census, has established new legislative and congressional district boundaries (the "2011 Redistricting Plan"). The Petitioners also seek a declaration that the 2002 court-adopted redistricting plan (the "2002 Court Plan") is unconstitutional and that the Senate and Assembly districts established by the 2002 Court Plan may not lawfully be used to conduct any elections, including special or recall elections.

The 2011 Redistricting Plan, as set forth in 2011 Wisconsin Acts 43 and 44, was adopted by the State Legislature in order to account for shifts in population that have occurred since the previous 2000 census. Those shifts in population rendered the prior Senate and Assembly districts, which were established by the 2002 Court Plan, unconstitutionally malapportioned. Thus, the State Legislature acted pursuant to its duty, as set forth in Article IV, Section 3 of the Wisconsin Constitution, to "apportion and district anew" those unconstitutional districts.

The above-named Involuntary Petitioners have challenged the validity of the 2011 Redistricting Plan on constitutional and other grounds by the filing of an action in the Federal District Court for the Eastern District of Wisconsin, Case No. 11-cv-562. The Involuntary Petitioners have pursued their action in federal court despite the United States Supreme Court's clear admonition that congressional and legislative reapportionment "is primarily the duty and responsibility of the State ... rather than of a federal court." *Grove v Emison*, 507 U.S. 25, 34 (1993). In light of the challenge to the 2011 Redistricting Plan that has been initiated by the Involuntary Petitioners, the Petitioners seek a resolution to the issues raised by that challenge in the proper state forum by the Wisconsin Supreme Court. Specifically, Petitioners seek a

declaration that the 2011 Redistricting Plan is legally valid under applicable constitutional and other redistricting principles.

Following the enactment of the 2011 Redistricting Plan, the Government Accountability Board ("GAB"), which is the state agency responsible for administering the laws concerning the conduct of elections in the State of Wisconsin, issued formal guidance that any recall elections which may be initiated and held prior to the general election in November of 2012, are to be conducted in the old legislative districts established by the 2002 Court Plan. GAB issued this formal guidance despite the fact there is no dispute that the prior legislative districts are unconstitutionally malapportioned. Indeed, the Involuntary Petitioners have expressly alleged in the federal lawsuit that the prior legislative districts are unconstitutional.

GAB issued this formal guidance despite also concluding that the legislative districts established by the 2011 Redistricting Plan are effective for purposes of constituent representation. Thus, in the event that any recall elections are conducted between now and November of 2012, many electors who are now represented by a particular State Senator in a new district established by the 2011 Redistricting Plan *will not* be able to vote in a recall election concerning that Senator. Conversely, many electors who are no longer represented by that Senator, because they reside in the Senator's old district but not within the new district, *will* be entitled to vote in a recall election concerning that Senator. This amounts to a clear violation of the constitutional provision concerning the recall of elective officers set forth in Article XIII, Section 12 of the Wisconsin Constitution. Thus, Petitioners seek a declaration from this Court that recall elections may not be conducted in unconstitutionally malapportioned districts and that such elections may only be conducted in the districts established by the 2011 Redistricting Plan, which incumbent legislators now represent.

Finally, in 2011 Wisconsin Act 39, the State Legislature enacted Wis. Stat. §§ 751.035 and 801.50(4m), which provide for the appointment of a panel of three circuit court judges by the Supreme Court in actions involving a challenge to the apportionment of any congressional or legislative district. Petitioners therefore ask this Court to appoint a three-judge panel pursuant to the provisions of Wis. Stat. §§ 751.035 and 801.50(4m). In the alternative, Petitioners request that the Court accept this case as an original action pursuant to Article VII, Section 3 of the Wisconsin Constitution. Petitioners have also filed herewith a memorandum in support of their request that the Court exercise its original jurisdiction.

### PARTIES

#### **Petitioners**

1. Petitioner Dennis Clinard is a resident of the State of Wisconsin residing at 5852 Cedar Road in the Town of Sparta, County of Monroe, 54656. Clinard is a qualified elector who resides in the 70<sup>th</sup> Assembly District pursuant to the 2011 Redistricting Plan. Clinard's residence was previously within the 92<sup>nd</sup> Assembly District pursuant to the 2002 Court Plan. In 2010, Clinard ran for the office of State Assembly in the old 92<sup>nd</sup> Assembly District and may again run for the legislature.

2. Petitioner Erin M. Decker is a resident of the State of Wisconsin residing at 706 N. School Street in the Village of Silver Lake, County of Kenosha, 53170. Decker is a qualified elector whose residence was formerly in the 66<sup>th</sup> Assembly district, represented by Representative Kerkman, and the 22<sup>nd</sup> Senate district, represented by Senator Wirch. Pursuant to the 2011 Redistricting Plan, Decker's residence is now in the 61<sup>st</sup> Assembly district, represented by Representative Kerkman, and the 21<sup>st</sup> Senate district, represented by Senator Wanggaard.

3. Petitioner Luonne A. Dumak is a resident of the State of Wisconsin residing at 3601 South 147<sup>th</sup> Street, Apt. 134 in the City of New Berlin, County of Waukesha, 53151. Dumak is a qualified elector whose residence was formerly in the 84<sup>th</sup> Assembly district, represented by Representative Kuglitsch, and the 28<sup>th</sup> Senate district, represented by Senator Lazich. Pursuant to the 2011 Redistricting Plan, Dumak's residence is now in the 15<sup>th</sup> Assembly district, represented by Representative Staskunas, and the 5<sup>th</sup> Senate district, represented by Senator Vukmir.

4. Petitioner David A. Foss is a resident and qualified elector of the State of Wisconsin residing at 1894 22<sup>5/8</sup> Street in the Town of Rice Lake, County of Barron, 54868.

5. Petitioner LaVonne J. Derksen is a resident of the State of Wisconsin residing at 2338 Talc Trail, Apt. 209 in the City of Madison, County of Dane, 53719. Derksen is a qualified elector whose residence was formerly located in the 79<sup>th</sup> Assembly district represented by Representative Pope-Roberts. Pursuant to the 2011 Redistricting Plan, Derksen's residence is now in the 78<sup>th</sup> Assembly district, represented by Representative Pocan.

6. Petitioner Pamela S. Travis is a resident and qualified elector of the State of Wisconsin residing at N2607 Cardinal Avenue in the Town of Grant, County of Clark, 54456.

7. Petitioner John E. Hager is a resident of the State of Wisconsin residing at 127 West Hidden Trail, Unit 101 in the City of Elkhorn, County of Walworth, 53121. Hager is a qualified elector who resides in the 31<sup>st</sup> Assembly District, which was formerly represented by Representative Nass but is currently represented by Representative Loudenbeck pursuant to the 2011 Redistricting Plan.

8. Petitioner James L. Weiner is a resident of the State of Wisconsin residing at W5665 Young Road in the Town of LaGrange, County of Walworth, 53156. Weiner is a

qualified elector whose residence was formerly in the 31<sup>st</sup> Assembly district, represented by Representative Nass. Pursuant to the 2011 Redistricting Plan, Weiner's residence is now in the 33<sup>rd</sup> Assembly district, which is still represented by Representative Nass.

9. Petitioner Jeff L. Waksman is a resident of the State of Wisconsin residing at 334 North Allen Street, Unit 5 in the City of Madison, County of Dane, 53726.

10. Petitioner Kevin Cronin is a resident of the State of Wisconsin residing at 1832 Grange Avenue in the City of Racine, County of Racine, 54301. Cronin is a qualified elector whose residence was formerly in the 62<sup>nd</sup> Assembly district, represented by Representative Mason, and the 21<sup>st</sup> Senate district, represented by Senator Wanggaard. Pursuant to the 2011 Redistricting Plan, Cronin currently resides in the 66<sup>th</sup> Assembly district, represented by Representative Turner, and the 22<sup>nd</sup> Senate district, represented by Senator Wirch.

### **Respondents**

11. Respondent Michael Brennan, resident of the City of Marshfield, Wisconsin; David Deininger, resident of the Town of Monroe, Wisconsin; Gerald Nichol, resident of the City of Madison, Wisconsin; Thomas Cane, resident of the City of Wausau, Wisconsin; Thomas Barland, resident of the City of Eau Claire, Wisconsin; and Timothy Vocke, resident of the Town of Rhinelander, Wisconsin are all members of the Wisconsin Government Accountability Board and are named in such official capacity. The Wisconsin Government Accountability Board is an independent agency of the State of Wisconsin with authority for the administration of laws concerning the conduct of elections.

12. Respondent Kevin Kennedy is a Wisconsin resident residing in Dane County, Wisconsin and is the Director and General Counsel for the Wisconsin Government Accountability Board.

### **Involuntary Petitioners**

13. The following Involuntary Petitioners have challenged the validity of the 2011 Redistricting Plan on constitutional and other legal grounds by the filing of an action in the Federal District Court for the Eastern District of Wisconsin, Case No. 11-cv-562:

a. Alvin Baldus is upon information and belief a Wisconsin resident and registered voter residing in the City of Menomine, Dunn County, Wisconsin.

b. Cindy Barbera is upon information and belief a Wisconsin resident and registered voter residing in the City of Madison, Dane County, Wisconsin.

c. Carlene Bechen is upon information and belief a Wisconsin resident and registered voter residing in the Village of Brooklyn, Dane County, Wisconsin.

d. Elvira Bumpus is upon information and belief a Wisconsin resident and registered voter residing in the City of Racine, Racine County, Wisconsin.

e. Ronald Biendseil is upon information and belief a Wisconsin resident and registered voter residing in the City of Middleton, Dane County, Wisconsin.

f. Leslie W. Davis III is upon information and belief a Wisconsin resident and registered voter residing in the City of Stoughton, Dane County, Wisconsin.

g. Bret Eckstein is upon information and belief a Wisconsin resident and registered voter residing in the Village of Sussex, Waukesha County, Wisconsin.

h. Gloria Rogers is upon information and belief a Wisconsin resident and registered voter residing in the City of Racine, Racine County, Wisconsin.

i. Richard Kresbach is upon information and belief a Wisconsin resident and registered voter residing in the Village of Wales, Waukesha County, Wisconsin.

j. Rochelle Moore is upon information and belief a Wisconsin resident and registered voter residing in the City of Kenosha, Kenosha County, Wisconsin.

k. Amy Risseeuw is upon information and belief a Wisconsin resident and registered voter residing in the Town of Menasha, Outagamie County, Wisconsin.

l. Judy Robson is upon information and belief a Wisconsin resident and registered voter residing in the City of Beloit, Rock County, Wisconsin.

m. Jeanne Sanchez-Bell is upon information and belief a Wisconsin resident and registered voter residing in the City of Kenosha, Kenosha County, Wisconsin.

n. Cecelia Schliepp is upon information and belief a Wisconsin resident and registered voter residing in the Town of Erin, Washington County, Wisconsin.

o. Travis Thyssen is upon information and belief a Wisconsin resident and registered voter residing in the Town of Grand Chute, Outagamie County, Wisconsin.

#### **BACKGROUND**

14. Pursuant to Article IV, Section 3 of the Wisconsin Constitution, the Wisconsin State Legislature is responsible for enacting a constitutionally-valid plan for legislative districts.

15. Article IV, Section 3 of the Wisconsin Constitution requires that the legislature “apportion and district anew” the state assembly and senate districts following each federal census.

16. Article 1, Section 2 of the United States Constitution provides that “Representatives . . . shall be apportioned among the several states . . . according to their respective numbers....” It further provides that “[t]he House of Representatives shall be composed of members chosen every second year by the people of the several states....”

17. The Bureau of Census, U.S. Department of Commerce, conducted a decennial census in 2010 pursuant to Article 1, Section 2 of the United States Constitution. Census data from the 2010 Census was released to the State of Wisconsin in March of 2011.

18. Pursuant to Article IV, Section 3 of the Wisconsin Constitution and Article 1, Section 2 of the United States Constitution, the Wisconsin State Legislature drafted and adopted legislation, 2011 Wisconsin Acts 43 and 44, referred to herein as the 2011 Redistricting Plan, establishing new legislative and congressional districts based upon population data gathered through the 2010 Census.

19. The Wisconsin State Senate adopted the 2011 Redistricting Plan on July 19, 2011. The Wisconsin State Assembly adopted the 2011 Redistricting Plan on July 20, 2011.

20. Governor Walker signed the 2011 Redistricting Plan into law on August 9, 2011.

21. A dispute has arisen concerning the legal validity of the legislative and congressional districts established by the 2011 Redistricting Plan. Specifically, the above-named Involuntary Petitioners have filed an action in the Federal District Court for the Eastern District of Wisconsin, Case No. 11-cv-562, in which they seek declaratory relief striking down the 2011 Redistricting Plan and a corresponding injunction. A copy of the Involuntary Petitioners' Complaint and Amended Complaint are attached to this Petition as Exhibit A and Exhibit B, respectively.

22. A dispute has also arisen regarding the initial applicability of the legislative districts created by the 2011 Redistricting Plan.

23. The GAB has issued formal guidance regarding the initial applicability of the legislative districts created by Act 43. A copy of the GAB's formal guidance memorandum is attached to this Petition as Exhibit C.

24. According to the GAB's formal guidance memorandum, "[t]he effective date of 2011 Wisconsin Act 43 with respect to representation differs from its effective date for election purposes." (Exhibit C at 3)

25. GAB has concluded in its formal guidance memorandum that the legislative districts established by the 2011 Redistricting Plan are "effective as of August 24, 2011 for representation purposes." (*Id.*)

26. However, GAB has also concluded that "the legislative districts created by 2011 Wisconsin Act 43 are not in effect for the purpose of 'special or recall elections to offices filled or contested' prior to the General Election on November 6, 2012." (*Id.* at 2) GAB's conclusion in this regard is purportedly based on provisions of Act 43 which state that the Act "first applies, with respect to regular elections, to offices filled at the 2012 general elections," 2011 Wis. Act 43 § 10(1), and that the Act "first applies, with respect to special or recall elections, to offices filled or contested concurrently with the 2012 general election." 2011 Wis. Act. 43 § 10(2).

27. Thus, GAB has concluded that any special or recall elections to offices filled or contested prior to the November 2012 General Election are to be conducted in the legislative districts established by the 2002 Court Plan. GAB's conclusion is erroneous because the legislative districts established by the 2002 Court Plan are unconstitutionally malapportioned and, thus, cannot be used to conduct elections consistent with the central constitutional principle of one-person, one-vote.

28. As outlined above, the new legislative districts established by the 2011 Redistricting Plan were established pursuant to Article IV, Section 3 of the Wisconsin Constitution using population data compiled by the federal government in the 2010 Federal Census and disseminated to the State of Wisconsin. The 2010 Federal Census data demonstrate

that the populations within the legislative districts established by the 2002 Court Plan deviated substantially from equal population and were therefore unconstitutionally malapportioned.

29. As shown by the 2010 Federal Census data, the population deviation among Senate districts under the 2002 Court Plan ranged from a high of 25,535 (14.82%) above zero deviation or an ideal population of 172,332 and a low of 19,574 (11.36%) below zero deviation. The population deviation among Assembly districts under the 2002 Court Plan ranged from a high of 18,720 (32.59%) above zero deviation or an ideal population of 57,444, and a low of 9,057 (15.77%) below zero deviation.

30. According to GAB's guidance memorandum, current legislators now represent constituents who reside in the new legislative districts established by the 2011 Redistricting Plan. Yet, despite the fact that current legislators represent persons who reside in the new legislative districts, GAB's guidance concludes that legislators may be recalled by a different set of constituents, namely those residing within the old districts established by the 2002 Court Plan.

31. GAB's guidance, which provides that any special or recall elections must be conducted in the old districts, while the new districts are effective for purposes of constituent representation, results in the potential disenfranchisement of nearly one million Wisconsin citizens for purpose of recall elections. Among the 24 Senate districts in which recall elections could be held in 2012, there are 923,362 citizens, including Petitioner Decker, who, according to GAB's guidance, could not vote in a recall election concerning the Senator who now represents them.

32. On November 15, 2011, the Committee to Recall Wanggaard filed a registration statement with GAB and appended to it a statement of intent to circulate a petition to recall Senator Wanggaard executed by the Committee's treasurer, Randolph Brandt. If the Committee

to Recall Wanggaard is successful in forcing a recall election in the 21<sup>st</sup> Senate District, Petitioner Decker could not vote in the election, despite the fact that Senator Wanggaard currently represents her.

33. Article XIII, Section 12(7) of the Wisconsin Constitution specifically provides that “no law shall be enacted to hamper, restrict, or impair the right of recall.” Article XIII, Section 12(1) provides that a “recall petition shall be signed by electors ... in the ... district which the incumbent represents.” GAB’s guidance providing that old legislative districts apply to recall elections is in direct conflict with this constitutional mandate and serves to impair the right of recall of more than 900,000 citizens, including Decker.

#### **GROUND SUPPORTING JURISDICTION**

34. The United States Supreme Court has often held that congressional and legislative reapportionment “is primarily the duty and responsibility of the State through its legislature or other body, rather than of a federal court.” *Grove v. Emison*, 507 U.S. 25, 34 (1993) (quotation omitted).

35. The United States Supreme Court has also recognized that state courts are the primary judicial authority on redistricting matters and has stated that it “prefers *both* state branches [legislative and judicial] to federal courts as agents of apportionment.” *Grove v. Emison*, 507 U.S. 25, 34 (1993) (emphasis in original).

36. The Wisconsin Legislature has enacted Wis. Stat. §§ 751.035 and 801.50(4m) granting this Court authority to appoint a three-judge panel to hear challenges and disputes regarding legislative or Congressional redistricting matters.

37. Wisconsin’s Uniform Declaratory Judgments Act, Wis. Stat. § 806.04, states that “[c]ourts of record within their respective jurisdictions shall have the power to declare rights,

status, and other legal relations whether or not further relief is or could be claimed.” Wis. Stat. § 806.04(1). The Act further allows a party “whose rights, status or other legal relations are affected by a statute” to petition a court and “have determined any question of construction or validity arising under” the statute. Wis. Stat. § 806.04(2).

38. Pursuant to Article VII, Section 3 of the Wisconsin Constitution, this Court “may hear original actions and proceedings.” The proper apportionment of Congressional and legislative districts is a matter which affects the rights of every citizen of the State of Wisconsin.

39. Citizens of the State of Wisconsin, including Petitioner Clinard, who may seek to run for a congressional or legislative office, will not know in which district they will be entitled to run until the dispute regarding the validity of the 2011 Redistricting Plan is resolved.

40. Wisconsin voters, including the Petitioners, are also severely disadvantaged by the uncertainty resulting from the challenge to the validity of the 2011 Redistricting Plan in many ways, including:

- i. Voters who desire to affect the views of candidates may not effectively communicate those concerns as candidates cannot declare for office without knowing the districts in which they will run;
- ii. Fewer potential candidates will come forward if they do not know the borders of the districts in which they will run;
- iii. Voters’ rights will be compromised because of candidates’ lack of ability to run effective campaigns and provide a meaningful election.

41. This Court has previously exercised original jurisdiction in cases involving the apportionment of legislative districts. See *State ex rel. Reynolds v. Zimmerman*, 23 Wis. 2d 606, 128 N.W.2d 16 (1964); *State ex rel. Reynolds v. Zimmerman*, 23 Wis. 2d 544, 128 N.W.2d 551

(1964); *State ex rel. Thomson v. Zimmerman*, 264 Wis. 644, 60 N.W.2d 416 (1953); *State ex rel. Bowman v. Dammann*, 209 Wis. 21, 243 N.W. 481 (1932); *State ex rel. Attorney General v. Cunningham*, 81 Wis. 440, 51 N.W. 724 (1892).

#### **REQUEST FOR APPOINTMENT OF THREE-JUDGE PANEL**

42. In recognition of the state's primary role in the redistricting process, the Wisconsin Legislature has established a procedure for the review of disputes regarding redistricting. Pursuant to the newly enacted Wis. Stat. §§ 751.035 and 801.50(4m), the Wisconsin Supreme Court "shall appoint a panel consisting of 3 circuit court judges" to hear challenges to the apportionment of any Congressional or legislative district.

43. The 2011 Redistricting Plan has been challenged by the Involuntary Petitioners who claim that it is invalid on various constitutional and other legal grounds.

44. Petitioners contend that the 2011 Redistricting Plan is a valid, constitutional enactment of the Wisconsin State Legislature and further contend that Involuntary Petitioners' challenge to the 2011 Redistricting Plan is without merit.

45. Petitioners hereby challenge the constitutionality of the legislative districts established by the 2002 Court Plan and contend that those districts may not be used for any purposes, including the conduct of recall elections.

46. Pursuant to Wis. Stat. §§ 751.035 and 801.50(4m), Petitioners are entitled to the appointment of a 3- judge panel of Wisconsin circuit court judges to resolve the disputes set forth in this Petition.

#### **ALTERNATIVE REQUEST TO EXERCISE ORIGINAL JURISDICTION**

47. In the event of any dispute concerning the validity or applicability to this matter of Wis. Stat. §§ 751.035 and 801.50(4m), and in order to ensure an expeditious resolution of the

issues presented herein, Petitioners request, in the alternative, that this Court hear this matter pursuant to its original jurisdiction.

48. In support of Petitioners' request that the Court exercise its original jurisdiction in this matter, Petitioners have contemporaneously filed a Memorandum in Support of Petition for Leave to Commence an Original Action Seeking Declaratory Judgment and Other Relief.

**COUNT ONE**

(Declaratory Relief Pursuant To Wis. Stat. § 806.04 That  
The 2011 Redistricting Plan Is Valid And Constitutional)

49. A dispute has arisen regarding the validity and constitutionality of the 2011 Redistricting Plan.

50. Involuntary Petitioners have challenged the validity and constitutionality of the 2011 Redistricting Plan in the United States District Court for the Eastern District of Wisconsin, as outlined above.

51. Petitioners contend that the 2011 Redistricting Plan is a valid and constitutional enactment of the Wisconsin State Legislature.

52. Based upon the dispute regarding the legal validity of the 2011 Redistricting Plan, Petitioners have standing to bring this action for declaratory relief in light of the effect of that dispute on their interests.

53. Petitioners are entitled to a declaration, pursuant to Wis. Stat. § 806.04, that the 2011 Redistricting Plan is a valid and enforceable enactment of the Wisconsin Legislature.

**COUNT TWO**

(Declaratory Relief Pursuant To Wis. Stat. § 806.04 That The Legislative Districts Established By The 2002 Court Plan Are Unconstitutional)

54. There is no dispute that based on the 2010 Census data the legislative districts established under the 2002 Court Plan are unconstitutionally malapportioned and violate the central principle of one-person, one-vote.

55. GAB has nevertheless concluded that any special or recall elections held prior to November of 2012 will be conducted in the old legislative districts.

56. GAB has recently received statements of intent to circulate recall petitions in Senate Districts 13, 21, 23 and 29. Upon information and belief, petition circulators are circulating or intend to circulate recall petitions within the old Senate Districts under the 2002 Court Plan, pursuant to the GAB guidance.

57. GAB has legal authority to evaluate and determine the sufficiency of recall petition and, where such petitions are deemed sufficient, to direct that recall elections be held in a given legislative district. If not enjoined, GAB will unlawfully direct that recall elections be conducted in the Senate Districts under the 2002 Court Plan in the event the petitions in those districts are deemed sufficient.

58. Petitioners contend that the legislative districts established by the 2002 Court Plan are unconstitutional. Petitioners' interests will be impacted if recall elections are conducted in unconstitutional districts and are entitled to a declaration that recall elections may not be conducted in such districts.

**STATEMENT OF RELIEF REQUESTED**

59. Petitioners respectfully request that this Court appoint a panel of three circuit judges to hear the matters raised herein pursuant to Wis. Stat. §§ 751.035 and 801.50(4m).

60. In the alternative, and for the reasons set forth herein and in Petitioners' Memorandum in Support of Petition For Leave to Commence and Original Action Seeking Declaratory Judgment and Other Relief, Petitioners respectfully request that this Court exercise its constitutional authority to hear these matters as an original action.

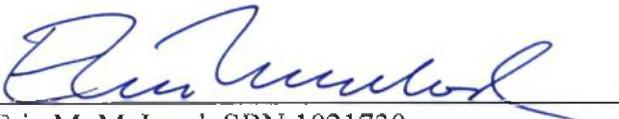
61. Petitioners respectfully request that an order be issued declaring the 2011 Redistricting Plan, as enacted by 2011 Wisconsin Acts 43 and 44, to be legally valid.

62. Petitioners respectfully request that an order be issued declaring that the legislative districts established by the 2002 Court Plan are unconstitutional.

63. Petitioners respectfully request that an order be issued enjoining the Government Accountability Board from taking any action related to the conduct of any recall election in the unconstitutionally malapportioned legislative districts established by the 2002 Court Plan.

Dated this 21<sup>st</sup> day of November, 2011.

**MICHAEL BEST & FRIEDRICH LLP**  
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STATE OF WISCONSIN  
SUPREME COURT**FILED**

NOV 21 2011

CLERK OF SUPREME COURT  
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Case No.

11AP2677 6A

ALVIN BALDUS; CINDY BARBERA; CARLENE  
BECHEN; ELVIRA BUMPUS; RONALD BIENDSEIL;  
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Involuntary Petitioners,

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TIMOTHY VOCKE each in his official capacity as a member  
of the WISCONSIN GOVERNMENT ACCOUNTABILITY  
BOARD; and KEVIN KENNEDY, Director and General  
Counsel for the Wisconsin Government Accountability Board;

Respondents.

---

**MEMORANDUM IN SUPPORT OF PETITION FOR LEAVE TO COMMENCE AN  
ORIGINAL ACTION SEEKING DECLARATORY JUDGMENT AND OTHER RELIEF**

---

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## INTRODUCTION

Petitioners, who are all qualified electors in the State of Wisconsin, have filed with this Court a Petition For Appointment of Three Judge Panel Pursuant to Wis. Stat. §§ 751.035 and 801.50(4m) or, in the Alternative, For Leave to Commence an Original Action Seeking Declaratory Judgment and Other Relief, (hereafter the "Petition"). As set forth in the Petition, the Petitioners respectfully ask that this Court appoint a panel of three circuit court judges to resolve the issues raised therein pursuant to Wis. Stat. §§ 751.035 and 801.50(4m). In the event there is any dispute concerning the validity or applicability of that newly-enacted statutory procedure for the resolution of disputes over the apportionment of congressional or legislative districts, Petitioners ask that this Court take original jurisdiction of this matter because this Court is the most appropriate forum to resolve conflicts relating to redistricting and ensure that the right of recall set forth in Article XIII, Section 12 of the Wisconsin Constitution is given proper effect for all citizens of the State of Wisconsin.

## BACKGROUND

This matter concerns the reapportionment of legislative and congressional districts in the State of Wisconsin and the validity of certain legislation which, following the 2010 federal census, has established new legislative and congressional district boundaries (the "2011 Redistricting Plan"). The Petitioners seek a declaration that the 2011 Redistricting Plan is legally valid. The Petitioners also seek a declaration that the prior 2002 court-adopted redistricting plan (the "2002 Court Plan") is unconstitutional and that the Senate and Assembly districts established by the 2002 Court Plan may not be used to conduct any elections, including special or recall elections.

The 2011 Redistricting Plan, set forth in 2011 Wisconsin Acts 43 and 44, was adopted by the State Legislature in order to account for shifts in population that have occurred since the

previous 2000 census. Those shifts in population rendered the prior Senate and Assembly districts, which were established by 2002 Court Plan, unconstitutionally malapportioned and the State Legislature acted pursuant to its duty, as set forth in Article IV, Section 3 of the Wisconsin Constitution, to “apportion and district anew” those unconstitutional districts.

The above-named Involuntary Petitioners have challenged the validity of the 2011 Redistricting Plan on constitutional and other grounds by filing an action in the Federal District Court for the Eastern District of Wisconsin, Case No. 11-cv-562. (See Petition, Exhs. A, B) The Involuntary Petitioners pursued their action in federal court despite the United States Supreme Court’s clear admonition that congressional and legislative reapportionment “is primarily the duty and responsibility of the State ... rather than of a federal court.” *Grove v. Emison*, 507 U.S. 25, 34 (1993). In light of the challenge to the 2011 Redistricting Plan that has been initiated by the Involuntary Petitioners, the Petitioners seek a resolution to the issues raised by that challenge in the proper state forum by the Wisconsin Supreme Court. Specifically, Petitioners seek a declaration that the 2011 Redistricting Plan is legally valid under applicable constitutional and other redistricting principles.

Following the enactment of the 2011 Redistricting Plan, the Government Accountability Board (“GAB”), which is the state agency responsible for administering the laws concerning the conduct of elections in the State of Wisconsin, issued formal guidance that any recall elections which may be initiated and held prior to the general election in November of 2012, are to be conducted in the old legislative districts established by the 2002 Court Plan. (See Petition, Exh. C) GAB issued this formal guidance despite the fact there is no dispute that the prior legislative districts are unconstitutionally malapportioned. Indeed, the Involuntary Petitioners have expressly alleged in the federal lawsuit that the prior legislative districts are unconstitutional.

GAB issued this formal guidance despite also concluding that the legislative districts established by the 2011 Redistricting Plan are effective for purposes of constituent representation.

Thus, in the event that any recall elections are conducted between now and November of 2012, many electors who are now represented by a particular State Senator in a new district established by the 2011 Redistricting Plan *will not* be able to vote in a recall election concerning that Senator. Conversely, many electors who are no longer represented by that Senator, because they reside in the Senator's old district but not within the new district, *will* be entitled to vote in a recall election concerning that Senator. This amounts to a clear violation of the constitutional provision concerning the recall of elective officers set forth in Article XIII, Section 12 of the Wisconsin Constitution. Thus, Petitioners seek a declaration from this Court that recall elections may not be conducted in unconstitutionally malapportioned districts and that such elections may only be conducted in the districts established by the 2011 Redistricting Plan, which incumbent legislators now represent. The importance of this issue cannot be understated; on November 15, 2011, recall efforts were begun in four State Senate Districts.

### **JURISDICTION AND STANDING**

Earlier this year, the State Legislature created Wis. Stat. §§ 751.035 and 801.50(4m), which collectively provide for the appointment of a panel of three circuit court judges by the Supreme Court in actions involving a challenge to the apportionment of any congressional or legislative district. Because the Petitioners challenge the apportionment of the legislative districts created by the 2002 Court Plan, the proper venue for the Petition is a three-judge panel to be appointed by this Court. The appointment of a three-judge panel is appropriate for the additional reason that the Involuntary Petitioners have challenged the apportionment of the legislative and congressional districts created by the 2011 Redistricting Plan.

Pursuant to Article VII, Section 3 of the Wisconsin Constitution, this Court “may hear original actions and proceedings.” Wisconsin’s Uniform Declaratory Judgments Act provides that “Courts of record within their respective jurisdictions shall have power to declare rights, status, and other legal relations whether or not further relief is or could be claimed.” Wis. Stat. § 806.04(1). The Declaratory Judgments Act further provides that “[a]ny person . . . whose rights, status or other legal relations are affected by a statute . . . may have determined any question of construction or validity” arising pursuant to the statute. Wis. Stat. § 806.04(2). Such declaration “may be either affirmative or negative in form and effect” and “shall have the force and effect of a final judgment or decree.” Wis. Stat. § 806.04(1). Significantly, the act is remedial in nature and “its purpose is to settle and to afford relief from uncertainty and insecurity.” Wis. Stat. § 806.04(12). As such, the Declaratory Judgments Act “is to be liberally construed and administered.” *Id.* In short, “[i]n order to have standing to bring an action for declaratory judgment, a party must have a personal stake in the outcome and must be directly affected by the issues in controversy.” *Lake Country Racquet & Athletic Club, Inc. v. Village of Hartland*, 2002 WI App 301, ¶ 15, 259 Wis. 2d 107, 655 N.W.2d 189.

Petitioners clearly meet the standards articulated above and have a personal stake in the resolution of any controversy surrounding the 2011 Redistricting Plan. Petitioners are Wisconsin residents whose fundamental constitutional rights – namely the right to an equal voice within our political system and the right of recall protected by the Wisconsin Constitution – will be abridged in the event any further recall or special elections are conducted within the legislative districts created pursuant to the 2002 Court Plan. As more fully explained below, at a minimum such elections would be conducted in constitutionally malapportioned districts. Worse still, thousands of qualified electors will be denied the right to vote for their respective state senators,

while thousands more qualified electors will be subjected to the results of elections that include votes cast by unqualified electors. This imminent threat of widespread disenfranchisement is well beyond a “trifling” injury.

Petitioners also have standing to bring this action based on their status as members of the Wisconsin electorate whose constitutional rights have been put in jeopardy by the determination of the GAB that any recall elections held prior to November 2012 will be conducted in the legislative districts established by the 2002 Court Plan, despite the fact that incumbent senators currently represent the respective legislative districts established by the 2011 Redistricting Plan. “The law of standing in Wisconsin is construed liberally, and even an injury to a trifling interest may suffice. *McConkey v. Van Hollen*, 2010 WI 57, ¶ 15, 326 Wis. 2d 1, 783 N.W.2d 855 (quoting *Fox v. DHSS*, 112 Wis. 2d 514, 524, 334 N.W.2d 532 (1983)). “Unlike in federal courts, which can only hear ‘cases’ or ‘controversies,’ standing in Wisconsin is not a matter of jurisdiction, but of sound judicial policy.” *Id.* (citing *Zehetner v. Chrysler Fin. Co.*, 2004 WI App 80, ¶ 12, 272 Wis. 2d 628, 679 N.W.2d 919).

### LEGAL ARGUMENT

The issues presented in the Petition fall squarely within this Court’s original jurisdiction. Therefore, the Petition may be recast as a petition for original action and granted. Regardless of the label attached to it, the Petition presents issues that should be resolved by this Court in the first instance.

#### **I. THE INVOLUNTARY PETITIONERS’ CHALLENGE TO THE 2011 REDISTRICTING PLAN SHOULD BE RESOLVED BY A STATE, NOT FEDERAL, COURT.**

The State Constitution vests the primary responsibility to redistrict legislative boundaries every ten years on the State Legislature. Wis. Const. art. IV, § 3; U.S. Const. art. I, § 2. The United State Supreme Court has clearly held that state legislatures and state judiciaries are to

have the primary responsibilities concerning redistricting. *Scott v. Germano*, 381 U.S. 407 (1965) (*per curiam*); *Grove v. Emison*, 507 U.S. 25, 34 (1993) (“We say once again what has been said on many occasions: reapportionment is primarily the duty and responsibility of the State through its legislature or other body, rather than of a federal court.”) (quoting *Chapman v. Meier*, 420 U.S. 1, 27 (1975)). The United States Supreme Court in *Grove* admonished inferior federal courts to respect the states’ rights to establish their own legislative boundaries – by the legislature and then the state judiciary. “In the reapportionment context, the [U.S. Supreme] Court has required federal judges to defer consideration of disputes involving redistricting where the State through its legislative *or* judicial branch, has begun to address that highly political task itself.” *Grove*, 507 U.S. at 33 (emphasis in original).

## **II. THE PROPER VENUE FOR THE ISSUES RAISED IN THE PETITION IS A THREE-JUDGE PANEL TO BE APPOINTED BY THIS COURT.**

In recognition of the state’s primary role in the redistricting process, the Wisconsin Legislature has established a procedure for the review of disputes regarding redistricting. Pursuant to the newly enacted Wis. Stat. §§ 751.035 and 801.50(4m), the Wisconsin Supreme Court “shall appoint a panel consisting of 3 circuit court judges” to hear challenges to the apportionment of any Congressional or legislative district. This statute was enacted to address the precise situation presented in the Petition, and, as such, this Court should appoint a three-judge panel in order to resolve any issues of constitutional validity relating to the 2011 Redistricting Plan. Pursuant to this newly-enacted statute, an appeal from a decision of the three-judge panel would be taken directly to this Court.

Petitioners recognize that the proper procedure applicable to this case is the one prescribed in Wis. Stat. §§ 751.035 and 801.50(4m). However, in the event there is any dispute concerning the validity of this statutory procedure or its applicability to this action, Petitioners

contend that the matters raised in its Petition are of such immediate state wide importance that this Court should proceed to address such matters in the first instance.

**III. IN THE ALTERNATIVE, THIS COURT SHOULD DECIDE THE ISSUES RAISED IN THE PETITION AS AN EXERCISE OF THIS COURT'S ORIGINAL JURISDICTION.**

**A. Matters Of Redistricting Are Matters Of Statewide Significance Which Satisfy The Court's Original Action Criteria.**

The standards this Court applies to an original action petition are well established. "The supreme court limits its exercise of original jurisdiction to exceptional cases in which a judgment by the court significantly affects the community at large." *Wisconsin Professional Police Ass'n, Inc. v. Lightbourn*, 2001 WI 59, ¶ 4, 243 Wis. 2d 512, 627 N.W.2d 807; *State ex rel. LaFollette v. Stitt*, 114 Wis. 2d 358, 362-63, 338 N.W.2d 684 (1983) ("We granted the petition to commence an original action because this matter is *publici juris* and requires a prompt and authoritative determination by this court in the first instance."). As further guidance, the Court's Internal Operating Procedures ("IOP") note that "[t]he criteria for the granting of a petition to commence an original action are a matter of case law." Wisconsin Supreme Court, IOP § II(B)(3) (citing *Petition of Heil*).<sup>1</sup>

The Court's opinion in *Heil* supplies no less than eight examples of appropriate matters of original jurisdiction while conceding, as well, that other cases may also fall within the criteria. *Petition of Heil*, 230 Wis. 428, 440, 284 N.W. 42 (1939) (noting that the list was not intended to be exclusive). As the *Heil* Court concluded, original jurisdiction is appropriate in certain matters "because of their public importance or because of this importance in combination with circumstances creating an exigency making the remedy in the circuit court inadequate." *Id.* at

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<sup>1</sup> The Statutes set out four specific elements to be addressed in a petition requesting original jurisdiction; (Wis. Stat. § 809.70(1) (a-d) (Petition should include issues, facts, relief and reasons)) and the Petition here addresses each of those elements.

442 (internal citations omitted). The present case easily satisfies this standard. The Petition presents two fundamental constitutional issues that require this Court to exercise its original jurisdiction. First, the Petition seeks to determine the constitutionality of the 2011 Redistricting Plan in the face of a federal court action challenging its validity. Second, the Petition addresses the GAB's determinations concerning the applicability of the 2002 Court Plan and the 2011 Redistricting Plan that results in the wholesale disenfranchisement of thousands of Wisconsin citizens in violation of the right to recall enumerated in Article XIII, Section 12 of the Wisconsin Constitution.

**B. This Court Has Exercised Original Jurisdiction On Matters Of Redistricting In The Past.**

Applying the principles articulated in *Heil* and its progeny, this Court has consistently taken original jurisdiction on matters related to redistricting. See *State ex rel Reynolds v. Zimmerman*, 22 Wis. 2d 544, 126 N.W.2d 551 (1964); *State ex rel. Thomson v. Zimmerman*, 264 Wis. 644, 60 N.W.2d 416 (1953); *State ex rel. Bowman v. Dammann*, 209 Wis. 21, 23, 243 N.W. 481 (1932); *State ex rel. Attorney General v. Cunningham*, 81 Wis. 440, 51 N.W. 724 (1892). In *Cunningham*, the Court explained the rationale for exercising original jurisdiction in redistricting as follows:

But, again, this apportionment act violates and destroys one of the highest and most sacred rights and privileges of the people of this state, guaranteed to them by the ordinance of 1787 and the constitution, and that is “*equal representation in the legislature.*” This also is a matter of the highest public interest and concern to give this court jurisdiction in this case. If the remedy for these great public wrongs cannot be found in this court it exists nowhere.

*Cunningham*, 81 Wis. at 483. As this Court observed some years later “the power of this court to review the constitutionality of a legislative reapportionment must be taken as settled by the cases of *State ex rel. Attorney General v. Cunningham.*” *State ex rel. Bowman*, 209 Wis. at 23.

Redistricting matters are a matter of the highest public concern and have a significant effect on “the community at large.” *Lightbourn*, 2001 WI 59, ¶ 4. Accordingly, redistricting matters clearly fall within the category of “exceptional cases” requiring this Court to exercise original jurisdiction.

The United States Supreme Court has also unequivocally acknowledged that the states, through their courts, are the most appropriate forum for addressing redistricting. As the court noted, congressional and legislative reapportionment “is primarily the duty and responsibility of the State ... rather than of a federal court.” *Grove v. Emison*, 507 U.S. 25, 34 (1993). Indeed, “[t]he power of the judiciary of a State to require valid reapportionment or to formulate a valid redistricting plan has not only been recognized by this Court but appropriate action by the States in such cases has been specifically encouraged.” *Scott v. Germano*, 381 U.S. 407, 409 (1965) (citations omitted); *see also Grove*, 507 U.S. at 34 (“[T]he doctrine of *Germano* prefers both state branches [legislative and judicial] to federal courts as agents of apportionment”).

**C. The Petition Presents Matters Of Constitutional Concern Affecting The Fundamental Rights Of Every Citizen Of The State Of Wisconsin.**

Following the enactment of the 2011 Redistricting Plan, the GAB, which is the state agency responsible for administering the laws concerning the conduct of elections in the State of Wisconsin, issued guidance that any recall elections which may be called prior to the general election in November of 2012, are to be conducted in the old legislative districts established by the 2002 Court Plan. (See Petition, Exh. C) GAB issued this guidance despite the fact there is no dispute that the prior legislative districts are unconstitutionally malapportioned and despite also concluding that the legislative districts established by the 2011 Redistricting Plan are effective for purposes of constituent representation. (*Id.*)

GAB's guidance creates two Constitutional issues of fundamental importance to the electorate. First, GAB has concluded that any recall or special elections taking place before the November 2012 General Election will be conducted using the old legislative districts. However, the old legislative districts have been superseded by the 2011 Redistricting Plan. In any event, the legislative districts in existence prior to the 2011 Redistricting Plan are unconstitutionally malapportioned as evidenced by data gathered during the 2010 Federal Census. Indeed, the Involuntary Petitioners have expressly alleged in the federal lawsuit, and there is no dispute, that the prior legislative districts are unconstitutional. Accordingly, any election conducted using the previous legislative districts "violates constitutional provisions," and satisfies the *Heil* criteria for original jurisdiction. *Heil*, 230 Wis. at 440.

There is no legal doubt that this Court considers malapportioned legislative districts to be "a violation of state constitutional rights." *Reynolds*, 22 Wis. 2d at 552. *See also Cunningham*, 81 Wis. at 483 (holding that state constitutional guarantee of equal representation in the legislature is violated by malapportioned legislative districts). If GAB does, indeed, conduct a recall, special, or any election within the old legislative districts, it would be doing so within districts that are unconstitutionally malapportioned in violation of the Constitutional rights of the Petitioners and other citizens of Wisconsin.

Further, in the event that any recall elections are called between now and November 2012, many electors who are now represented by a particular State Senator in a new district will not be able to vote in a recall election concerning that Senator. Conversely, many electors who are no longer represented by that Senator, because they reside in the Senator's old district, will be entitled to vote in a recall election. This represents a clear violation of the constitutional provision concerning the recall of elective officers set forth in Article XIII, Section 12 of the

Wisconsin Constitution. Article XIII, Section 12(7) of the Wisconsin Constitution specifically provides that “no law shall be enacted to hamper, restrict, or impair the right of recall.” Here, any election conducted pursuant to GAB’s guidance will deprive a significant number of Wisconsin residents the right of recall in direct violation of provisions the Wisconsin Constitution.

Without question, the constitutional issues outlined above impact every citizen of this State by denying them the system of government to which they are entitled under our constitution. The violation of this fundamental tenet of the American system of government cannot be countenanced even in the short term. This Court has exercised jurisdiction numerous times when such fundamental constitutional questions are presented. *See, e.g., Gard v. State Elections Bd.*, 156 Wis. 2d 28, 35, 456 N.W.2d 809 (1990) (First Amendment challenge to campaign finance laws); *Norquist v. Zeuske*, 211 Wis. 2d 241, 244-46, 564 N.W.2d 748 (1997) (Uniformity Clause challenge to the freeze on agricultural property taxes); *Libertarian Party v. State*, 199 Wis. 2d 790, 564 N.W.2d 424 (1996) (multiple constitutional challenges to the Stadium Act); *State ex rel. Thompson v. Jackson*, 199 Wis. 2d 714, 720, 546 N.W.2d 140 (1996) (Establishment Clause challenge to Milwaukee Parental Choice Program); *City of Hartford v. Kirley*, 172 Wis. 2d 191, 195, 493 N.W.2d 45 (1992) (challenge to TIF districts as unconstitutional public debt). This situation is akin to those listed above and is equally deserving of this Court’s original jurisdiction.

### CONCLUSION

Pursuant to Wis. Stat. §§ 751.035 and 801.50(4m), this Court should appoint a panel of three circuit court judges to resolve the issues raised in this matter. Under those statutes, an appeal from the decision of that panel would be taken directly to this Court. However, in the event that a dispute arises concerning the applicability or validity of the procedures set forth in

that newly-enacted statute, Petitioners respectfully ask that this Court exercise its constitutional authority to accept this case as an original action and resolve this matter as expeditiously as possible.

Dated this 21<sup>st</sup> day of November, 2011.

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# **Exhibit A**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ALVIN BALDUS, CINDY BARBERA, CARLENE  
BECHEN, ELVIRA BUMPUS, RONALD BIENDSEI,  
LESLIE W. DAVIS, III, BRETT ECKSTEIN, GEORGIA  
ROGERS, RICHARD KRESBACH, ROCHELLE  
MOORE, AMY RISSEEUW, JUDY ROBSON, JEANNE  
SANCHEZ-BELL, CECELIA SCHLIEPP, TRAVIS  
THYSSEN,

Plaintiffs,

Civil Action

File No. \_\_\_\_\_

(Three-judge panel requested)

v.

Members of the Wisconsin Government Accountability  
Board, each only in his official capacity:  
MICHAEL BRENNAN, DAVID DEININGER,  
GERALD NICHOL, THOMAS CANE,  
THOMAS BARLAND, and GORDON MYSE, and  
KEVIN KENNEDY, Director and General Counsel for the  
Wisconsin Government Accountability Board,

Defendants.

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**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

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The plaintiffs, for their complaint in this matter under 42 U.S.C. § 1983 and 28 U.S.C. § 2284(a), requiring a three-judge panel, allege that:

**SUMMARY**

This is an action for a declaratory judgment and for injunctive relief, involving the rights of the plaintiffs under the U.S. Constitution and the Wisconsin Constitution and the apportionment of the 33 Senate districts and 99 Assembly districts in the State of Wisconsin. Those districts, established by a three-judge panel of this Court by order in 2002, have been rendered unconstitutional by the 2010 census. This case arises under the U.S. Constitution,

Article I, Section 2, and the Fifth and Fourteenth Amendments, Sections 1, 2 and 5, under 42 U.S.C. §§ 1983 and 1988, under the Voting Rights Act, 42 U.S.C. § 1973, and under article IV, section 3 of the Wisconsin Constitution.

### JURISDICTION

1. This Court has jurisdiction under 28 U.S.C. §§ 1331, 1343(a)(3) and (4), 1357 and 2284 to hear the claims for legal and equitable relief arising under the federal and state constitutions. It also has general jurisdiction under 28 U.S.C. §§ 2201 and 2202, the Declaratory Judgments Act, to grant the declaratory relief requested by the plaintiffs.

2. This action challenges the constitutionality of the judicially-mandated apportionment of Wisconsin's legislative districts, found in chapter 4 of the Wisconsin Statutes, but only as ordered by the U.S. District Court for the Eastern District of Wisconsin in *Baumgart v. Wendelberger*, Nos. 01-121 and 02-366, 2002 WL 34127471 (E.D. Wis. May 30, 2002) (*per curiam*) (three-judge panel), *amended by* 2002 WL 34127473 (E.D. Wis. July 11, 2002). The current state legislative district boundaries were based on the 2000 census of the state's population, now superseded by the 2010 census.

3. Accordingly, 28 U.S.C. § 2284(a) requires that a district court of three judges be convened or reconvened to hear the case. In 1982, 1992 and 2002, three-judge panels convened pursuant to 28 U.S.C. § 2284 resolved complaints like this one, developing redistricting plans for the state legislature in the absence of valid plans adopted by the legislature and enacted with the Governor's approval.

### VENUE

4. The venue for this case is properly in this Court under 28 U.S.C. §§ 1391(b) and (e). At least one of the defendants resides in the Eastern District of Wisconsin. In addition, nine of the individual plaintiffs reside and vote in this district.

## PARTIES

### *Plaintiffs*

5. The plaintiffs are citizens, residents and qualified voters of the United States of America and the State of Wisconsin, residing in various counties and legislative districts:

a. Alvin Baldus, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of Menomonie, Dunn County, Wisconsin, with his residence in the 67th Assembly District and 23rd Senate District as those districts were established by this Court in 2002.

b. Cindy Barbara, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the City of Madison, Dane County, Wisconsin, with her residence in the 79th Assembly District and 27th Senate District as those districts were established by this Court in 2002.

c. Carlene Bechen, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the Village of Brooklyn, Dane County, Wisconsin, with her residence in the 80th Assembly District and the 27th Senate District as those districts were established by this Court in 2002.

d. Elvira Bumpus, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the City of Racine, Racine County, Wisconsin, with her residence in the 62nd Assembly District and 21st Senate District as those districts were established by this Court in 2002.

e. Ronald Biendsei, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of Middleton, Dane County, Wisconsin, with his residence in the 79th Assembly District and 27th Senate District as those districts were established by this Court in 2002.

f. Leslie W. Davis, III, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the City of Stoughton, Dane County, Wisconsin, with his residence in the 46th Assembly District and 16th Senate District as those districts were established by this Court in 2002.

g. Brett Eckstein, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the Village of Sussex, Waukesha County, Wisconsin, with his residence in the 99th Assembly District and 33rd Senate District as those districts were established by this Court in 2002.

h. Georgia Rogers, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the Village of Waunauke, Dane County, Wisconsin, with her residence in the 62nd Assembly District and the 21st Senate District as those districts were established by this Court in 2002.

i. Richard Kresbach, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the Village of Wales, Waukesha County, Wisconsin, with his residence in the 33rd Assembly District and the 11th Senate District as those districts were established by this Court in 2002.

j. Rochelle Moore, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the City of Kenosha, Kenosha County, Wisconsin, with her residence in the 64th Assembly District and the 22nd Senate District as those districts were established by this Court in 2002.

k. Amy Risseeuw, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the Town of Menasha, Outagamie County,

Wisconsin, with her residence in the 3rd state Assembly District and 19th Senate District as those districts were established by this Court in 2002.

i. Judy Robson, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the City of Beloit, Rock County, Wisconsin, with her residence in the 44th Assembly District and 15th Senate District as those districts were established by this Court in 2002. Ms. Robson, then a State Senator, was a plaintiff in *Baumgart v. Wendelberger*, 2002 WL 34127471. She has filed a motion under Rule 60(b), Fed. R. Civ. P., for relief from the judgment in that case, asking the Court to provide substantially the same relief requested in this complaint.

m. Jeanne Sanchez-Bell, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the City of Kenosha, Kenosha County, Wisconsin, with her residence in the 65th Assembly District and 22nd Senate District as those districts were established by this Court in 2002.

n. Cecelia Schliepp, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the Village of Hartland, Waukesha County, Wisconsin, with her residence in the 99th Assembly District and the 33rd Senate District as those districts were established by this Court in 2002.

o. Travis Thyssen, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the Town of Grand Chute, Outagamie County, Wisconsin, with his residence in the 56th Assembly District and the 19th Senate District as those districts were established by this Court in 2002.

***Defendants***

6. Michael Brennan, resident of Marshfield, Wisconsin; David Deininger, resident of Monroe, Wisconsin; Gerald Nichol, resident of Madison, Wisconsin; Thomas Cane, resident of

Wausau, Wisconsin; Thomas Barland, resident of Eau Claire, Wisconsin; and, Gordon Myse resident of Appleton, Wisconsin, each personally and individually but only in his official capacity, are all members of the Wisconsin Government Accountability Board (“G.A.B.”). Kevin Kennedy, resident of Dane County, Wisconsin, in his official capacity, is the Director and General Counsel for the G.A.B.

a. The G.A.B. is an independent agency of the State of Wisconsin under section 15.60 of the Wisconsin Statutes. The G.A.B. has “general authority” over and the “responsibility for the administration of ... [the state’s] laws relating to elections and election campaigns,” Wis. Stat. § 5.05(1) (2009-10), including the election every two years of Wisconsin’s representatives in the state Assembly and every four years its representatives in the state Senate.

b. Among its statutory responsibilities, the G.A.B. must notify each county clerk by the second Tuesday in May of an election year, under Wis. Stat. §§ 10.01(2)(a) and 10.72, of the date of the primary and general elections and the offices to be filled at those elections by the voters. The G.A.B. is also required to transmit to each county clerk a certified list of candidates for whom the voters of that county may vote. Wis. Stat. § 7.08(2).

c. The G.A.B. issues certificates of election under Section 7.70(5) of the Wisconsin Statutes to the candidates elected to serve in the state Senate and state Assembly. The G.A.B. also provides support to local units of government and their public employees, including the county clerks in each of Wisconsin’s 72 counties, in administering and preparing for the election of members of the Wisconsin legislature. For purposes of the state’s election law, the counties and their clerks act as agents for the state and for the G.A.B.

**FACTS / CONSTITUTIONAL PROVISIONS**

7. The Due Process Clause of the Fifth Amendment provides that “[n]o person shall ... be deprived of life, liberty, or property, without due process of law.”

8. The Equal Protection Clause of the Fourteenth Amendment provides, in pertinent part:

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

This provision guarantees to the citizens of each state the right to vote in state elections, guaranteeing as well that the vote of each citizen shall be equally effective with the vote of any and every other citizen.

9. In addition, article IV, section 3, of the Wisconsin Constitution requires that the legislature “apportion” the state’s senate and assembly districts following each federal census “according to the number of inhabitants.”

10. The U.S. Constitution and the Wisconsin Constitution require that the members of the Wisconsin legislature be elected on the basis of equal representation. State Senate and Assembly districts must be virtually equal in population based on the number of inhabitants according to the April 2010 Census.

11. From and since 2002—based on the official results of the 2000 census and a certified statewide population total then of 5,363,675—the state has been divided into 33 Senate districts and 99 Assembly districts. The state legislative districts were created by this Court with relatively equal populations. *See* ¶ 2 *supra*. In 2002, each Senate district contained a population of approximately 162,536 residents, and each Assembly district contained a population of

approximately 54,179. A copy of chapter 4 of the Wisconsin Statutes, reflecting these facts and embodying the Court's 2002 order, is attached as Exhibit A.

12. The 2002 state legislative elections, every subsequent biennial legislative election, including the November 2, 2010 election, and other elections have been conducted under the district boundaries judicially-established in 2002. The next regular state legislative primary election is scheduled for September 11, 2012, and the next regular state legislative general election is scheduled for November 6, 2012.<sup>1</sup>

13. The Bureau of the Census, U.S. Department of Commerce, conducted a decennial census in 2010 of Wisconsin and of all the other states under Article I, Section 2, of the U.S. Constitution.

14. Under 2 U.S.C. §§ 2a and 2c and 13 U.S.C. § 141(c), the Census Bureau on December 21, 2010 announced and certified the actual enumeration of the population of Wisconsin at 5,686,986 as of April 1, 2010, a slight population increase from the 2000 census. A copy of the Census Bureau's Apportionment Population and Number of Representatives, by state, is attached as Exhibit B.

15. Based on the April 2010 Census, the precise ideal population for each Senate District in Wisconsin is 172,333 and for each Assembly District 57,444 (each a slight increase from 2000).

16. On March 9, 2011, the Census Bureau released Wisconsin's official population, population growth and related data for the last decade. A copy of the Census Bureau's official

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<sup>1</sup> To comply with the Military and Overseas Election Act, the September 11, 2012 primary may be moved to an earlier date. See 42 U.S.C. § 1973ff. State Senate Bill 116 and Assembly Bill 161, pending before the Wisconsin legislature, would move the partisan primary from the second Tuesday in September to the second Tuesday in August.

population data for Wisconsin is attached as Exhibit C. This data reveal substantial disparity among Wisconsin's 33 existing Senate districts and 99 existing Assembly districts:

a. The 2010 census populations in Wisconsin's Senate districts range from a low of 152,758 (19,575 fewer than the ideal population, the 6th Senate District) to a high of 197,821 (25,488 more than the ideal population, the 27th Senate District). Thus, the total population deviation, from the most populous to the least populous Senate District, is 45,063 persons.

b. The 2010 census populations in Wisconsin's Assembly districts range from a low of 48,387 (9,057 fewer than the ideal population, the 18th Assembly District) to a high of 76,116 (18,672 more than the ideal population, the 79th Assembly District). Thus, the total population deviation, from the most populous to the least populous Assembly District, is 27,729 persons.

17. This facial and uncontradicted malapportionment of state legislative districts dilutes the voting strength of the plaintiffs residing in relatively overpopulated districts: the weight or value of each voter in a relatively overpopulated district is, by definition, less than that of any voter residing in a relatively under-populated district.

18. Article IV, section 3, of the Wisconsin Constitution gives the legislature the primary responsibility for enacting a constitutionally valid plan for the state's legislative districts.

a. For the last three decades, however, the legislature has not met that responsibility. Instead, the judicial branch at least initially has established district boundaries to ensure the constitutional guarantees for citizens and voters.

b. The legislature elected in November 2010 convened for the first time on January 4, 2011. No legislation for redistricting has been introduced, let alone debated, adopted and signed into law by the Governor.

19. Under §§ 10.01(2)(a) and 10.72(1), Wis. Stat., the G.A.B. must notify the county clerks by May 8, 2012 of the offices, including representatives in the state legislature, that the electors in each county will fill by voting in the primary and general elections. In addition, candidates for state Senate and state Assembly can begin circulating their petitions for nomination on June 1, 2012 and must file their petitions with the G.A.B. on or before July 10, 2012, pursuant to section 10.72(3)(c), Wis. Stat.<sup>2</sup>

#### CLAIMS FOR RELIEF

20. Plaintiffs incorporate by reference the allegations in paragraphs 1 through 19 above.

21. A state statute or, in the absence of a state statute, a judicial order that enforces or effects district populations and boundaries that discriminate against citizens in highly populous legislative districts, by definition preferring voters in less populous legislative districts, violates the Due Process and Equal Protection Clauses and the state constitution. The 2010 census rendered the state's 2002 legislative districts unconstitutional, which harms or threatens to harm the plaintiffs' constitutional rights.

22. Shifts in population and population growth have rendered the 33 Senate districts and 99 Assembly districts judicially established in 2002 no longer "apportioned ... according to the number of inhabitants" as required by the state constitution and guaranteed by the federal constitution.

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<sup>2</sup> If the partisan primary is moved to August (or earlier), *see supra* at n.1, all other dates, including nomination paper circulation and filing, and the G.A.B.'s deadline to notify clerks, will also be moved to earlier dates.

- a. The population variations between and among the districts are substantial.
- b. The plaintiffs who reside in the 11th, 16th, 22nd and 27th Senate districts, among others, based on the existing district lines, are particularly underrepresented in comparison with the residents of other districts.
- c. The plaintiffs who reside in the 3rd, 46th, 56th, 79th and 99th Assembly districts, among others, based on the existing district lines, are particularly underrepresented in comparison with the residents of other districts.

23. If not otherwise enjoined or directed, the G.A.B. will have no choice but to carry out its statutory responsibilities for the upcoming 2012 fall legislative elections based on the 33 Senate and 99 Assembly unconstitutional districts because there are no other statutorily—or judicially—established legislative districts.

24. The legislative boundaries established in 2002 discriminate against citizens in the most highly populous legislative districts—including, but not limited to, Senate Districts 10, 11, 16, 22 and 27, and Assembly Districts 3, 29, 30, 46, 56, 79 and 99—and prefer citizens in the least populous districts in violation of the Fifth and Fourteenth Amendments to the U.S. Constitution and the Wisconsin Constitution.

25. The boundaries and the populations they define, unless modified, violate the principle of “one person, one vote” and do not guarantee that the vote and representation in the Wisconsin legislature for every citizen is equivalent to the vote and representation of every other citizen.

26. In the absence of the Wisconsin legislature and Governor enacting constitutionally-permissible legislative districts, the fall 2012 elections conducted under the

G.A.B.'s supervision will violate the rights of the plaintiffs (and others) under the Due Process and Equal Protection Clauses and under the Wisconsin Constitution.

27. The malapportionment of the state's legislative districts harms or threatens to harm the plaintiffs in concrete ways and, regardless of district population, every other citizen. Until valid redistricting occurs, they cannot know in which Senate or Assembly district they will reside and vote, nor do they have the ability to hold their representatives to the legislature prospectively accountable for their conduct in office. The absence of a valid redistricting plan means, among other things, that:

a. Citizens who desire to influence the views of members of the Wisconsin legislature or candidates for the Senate and Assembly are not able to communicate their concerns effectively as citizens because members of the legislature or legislative candidates may not be held accountable to those citizens as voters in the next election;

b. Potential candidates for the legislature will not be able to come forward until they know the borders of the districts in which they, as residents of the district, could seek office;

c. Citizens who desire to communicate with and contribute financially to a candidate for the legislature who may or will represent them, a right guaranteed by the First Amendment, are hindered from doing so until districts are correctly reapportioned; and,

d. Citizens rights are compromised because of the inability of candidates to campaign effectively and provide a meaningful election choice.

#### **RELIEF SOUGHT**

WHEREFORE, the plaintiffs ask that the Court:

1. Immediately request that Hon. Frank H. Easterbrook, Chief Judge of the U.S. Court of Appeals for the Seventh Circuit, designate two other judges to form a three-judge panel under 28 U.S.C. § 2284(a);
2. Declare the apportionment of Wisconsin's 33 Senate districts and 99 Assembly districts, established by this Court in 2002 based on the 2000 Census, unconstitutional and invalid and the maintenance of those districts for the September 2012 primary election and November 6, 2012 general election a violation of plaintiffs' federal and state constitutional rights;
3. Enjoin the defendants and the G.A.B.'s employees and agents, including the county clerks in each of Wisconsin's 72 counties, from administering, preparing for and in any way permitting the nomination or election of members of the Wisconsin legislature from the unconstitutional Senate districts and unconstitutional Assembly districts that now exist in Wisconsin for the September 2012 primary election and November 6, 2012 general election;
4. In the absence of a constitutional state law, adopted by the Wisconsin legislature and signed by the Governor in a timely fashion, establish a judicial plan of apportionment to make the state's Senate districts and Assembly districts substantially equal in population and to otherwise meet the requirements of the U.S. Constitution and statutes and the Wisconsin Constitution and statutes;
5. Award the plaintiffs their costs, disbursements, and reasonable attorneys' fees incurred in bringing this action; and,
6. Grant such other relief as the Court deems proper.

Dated: June 10, 2011.

GODFREY & KAHN, S.C.

By: s/ Rebecca Kathryn Mason

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# EXHIBIT A

## CHAPTER 4

## SENATE AND ASSEMBLY DISTRICTS

	SUBCHAPTER I		4.003	Description of boundaries.
	GENERAL PROVISIONS		4.004	Elections to the legislature.
4.001	Legislative redistricting, equal population.		4.005	Territory omitted from legislative redistricting.
4.002	Municipal wards.			

**NOTE:** The apportionment plan of legislative districts enacted in 1983 Wis. Act 29 was held unconstitutional in *Prosser et al. v. Elections Board et al.*, 793 F. Supp. 859 (W.D. Wis. 1992) and replaced by a judicial plan of apportionment for all elections held after June 2, 1992. The 1992 judicial apportionment plan was held unconstitutional by the Federal District Court for the Eastern District of Wisconsin in the combined cases of *Baumgart et al. v. Wendelberger*, Case No. 01-C-0121, and *Jensen et al. v. Wendelberger*, Case No. 02-C-0366, which created a judicial plan of apportionment for all elections held after May 30, 2002. The 2002 judicial plan is printed following s. 4.005. The unconstitutional ss. 4.009 to 4.99 are printed in small type following the judicial plan maps.

## SUBCHAPTER I

## GENERAL PROVISIONS

**4.001 Legislative redistricting; equal population.**

(1) Based on the certified official results of the 1980 census of population of Wisconsin, as received by this state from the U.S. bureau of the census on March 23, 1981, under P.L. 94-171, the state is divided into 33 senate districts each composed of 3 assembly districts. Each senate district shall be entitled to elect one member of the senate. Each assembly district shall be entitled to elect one representative to the assembly.

(2) All senate districts, and all assembly districts, are as equal in the number of inhabitants as practicable within the guidelines further set forth in this section. Because the certified total number of inhabitants of this state on the 1980 census date was 4,705,521, each of the 33 senate districts contains approximately 142,592 inhabitants and each of the 99 assembly districts contains approximately 47,531 inhabitants.

(3) In redistricting the state based on the 1980 census of population, the legislature has assigned the highest priority to achieving the constitutionally mandated goal of precise population equality among the districts, resulting in an assembly deviation range of 1.72 percent (high assembly district plus 0.87 percent, low assembly district minus 0.85 percent) and a senate deviation range of 1.05 percent (high senate district plus 0.38 percent, low senate district minus 0.67 percent). To the very limited extent that precise population equality is unattainable, ss. 4.009 and 4.01 to 4.99 reflect a good faith effort to apportion the legislature giving due consideration to the need for contiguity and compactness of area, the maintenance of the integrity of political subdivisions and of communities of interest, and competitive legislative districts. Island territory (territory belonging to a city, town or village but not contiguous to the main part thereof) has been treated as a contiguous part of its municipality.

(4) The enactment of the redistricting based on the 1980 census of population reflects the legislature's recognition of its responsibility under the constitution to district anew the senate and assembly after every decennial federal census of population. When the legislature and governor did not fulfill that responsibility in 1982, a federal district court promulgated legislative districts to "be effective for the 1982 legislative elections and thereafter until such time as a valid constitutional redistricting plan is enacted into law". In enacting ss. 4.009 and 4.01 to 4.99, the legislature has worked from the court plan and, consistent with the policy of the state expressed in sub. (3), has improved upon it. The resulting senate and assembly districts closely approximate the

goal of precise population equality among districts, appropriately divide political subdivisions, and create the lowest population deviation in the history of legislative redistricting in this state.

(5) In enacting ss. 4.009 and 4.01 to 4.99, the legislature and its members recognize the obligation imposed by their constitutional oath of office to represent the interests of the citizens who elected them and all of the other citizens of the state of Wisconsin. The legislative districts based on the 1980 census of population reflects the legislature's intent to enact a plan of reapportionment that encourages competitive elections, in order to promote a healthy democratic process which accurately reflects the will of the citizens of the state of Wisconsin.

**History:** 1983 a. 29, 192.

**NOTE:** The apportionment plan of legislative districts enacted in 1983 Wis. Act 29 was held unconstitutional in *Prosser et al. v. Elections Board et al.*, 793 F. Supp. 859 (W.D. Wis. 1992) and replaced by a judicial plan of apportionment for all elections held after June 2, 1992. The 1992 judicial apportionment plan was held unconstitutional by the Federal District Court for the Eastern District of Wisconsin in the combined cases of *Baumgart et al. v. Wendelberger*, Case No. 01-C-0121, and *Jensen et al. v. Wendelberger*, Case No. 02-C-0366, which created a judicial plan of apportionment for all elections held after May 30, 2002. The 2002 plan, which is printed following s. 4.005, is based on the 2000 federal census of population of Wisconsin. Because the certified statewide number of inhabitants was 5,363,675, each of the 33 senate districts contains approximately 162,536 inhabitants and each of the 99 assembly districts contains approximately 54,179 inhabitants.

**4.002 Municipal wards. (1) DEFINITION.** Except as further provided in this section, in this chapter "ward" means the municipal wards created under s. 5.15 based on the results of the 1980 federal census of population and in effect on January 1, 1982.

(2) Milwaukee, city of. Any reference to a ward of the city of Milwaukee means the wards created by ordinance 142 dated November 17, 1981 (file number 80-1517-D), as affected by the elections commission adjustments of August 1982.

(3) OSHKOSH, CITY OF. Ward 42 of the city of Oshkosh includes the annexation from the town of Algoma.

**History:** 1983 a. 29.

**NOTE:** The apportionment plan of legislative districts enacted in 1983 Wis. Act 29 was held unconstitutional in *Prosser et al. v. Elections Board et al.*, 793 F. Supp. 859 (W.D. Wis. 1992) and replaced by a judicial plan of apportionment for all elections held after June 2, 1992. The 1992 judicial apportionment plan was held unconstitutional by the Federal District Court for the Eastern District of Wisconsin in the combined cases of *Baumgart et al. v. Wendelberger*, Case No. 01-C-0121, and *Jensen et al. v. Wendelberger*, Case No. 02-C-0366, which created a judicial plan of apportionment for all elections held after May 30, 2002. The 2002 plan, which is printed following s. 4.005, is based on the 2000 federal census of population of Wisconsin. The plan used wards created under s. 5.15 based on the results of the 2000 census, within the municipal boundaries in effect on August 1, 2001.

**4.003 Description of boundaries.** Wherever in this chapter territory is described by geographic boundaries, the following conventions are used:

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

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

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

**4.003 LEGISLATIVE DISTRICTS**

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

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

History: 1983 a. 29; 2001 a. 104.

**4.004 Elections to the legislature.** On or after July 20, 1983, any special election to the legislature called to fill a vacancy for the balance of an unexpired term, any election to recall a member of the legislature, and any regular election to the legislature, shall be from the districts as described in ss. 4.009 and 4.01 to 4.99.

History: 1983 a. 29.

**NOTE:** The apportionment plan of legislative districts enacted in 1983 Wis. Act 29 was held unconstitutional in *Prosser et al. v. Elections Board et al.*, 793 F. Supp. 859 (W.D. Wis. 1992) and replaced by a judicial plan of apportionment for all elections held after June 2, 1992. The 1992 judicial apportionment plan was held unconstitutional by the Federal District Court for the Eastern District of Wisconsin in the combined cases of *Baumgart et al. v. Wendelberger*, Case No. 01-C-0121, and *Jensen et al. v. Wendelberger*, Case No. 02-C-0366, which created a judicial plan of apportionment for all elections held after May 30, 2002. The 2002 plan is printed following s. 4.005.

**4.005 Territory omitted from legislative redistricting.**

(1) In case any town, village or ward in existence on the effective date of a legislative redistricting act has not been included in any assembly district, such town, village or ward shall be a part of the assembly district by which it is surrounded or, if it falls on the boundary between 2 or more districts, of the adjacent assembly district having the lowest population according to the federal census upon which the redistricting act is based.

(2) The boundaries of legislative districts established by this chapter are not altered by any change in the county boundaries under ch. 2, by the creation of any town, village, city or ward or by any municipal annexation, consolidation or detachment.

History: 1983 a. 29.

**JUDICIAL PLAN**

The apportionment plan of legislative districts enacted in 1983 Wisconsin Act 29 was held unconstitutional in *Prosser et al. v. Elections Board et al.* (W.D. Wis. 1992) and replaced by a judicial plan of apportionment for all elections held after June 2, 1992. The 1992 judicial apportionment plan was held unconstitutional by the Federal District Court for the Eastern District of Wisconsin in the combined cases of *Baumgart et al. v. Wendelberger*, Case No. 01-C-0121, and *Jensen et al. v. Wendelberger*, Case No. 02-C-0366, which created the following judicial plan of apportionment for all elections held after May 30, 2002. The judicial plan as set forth below incorporates the plan contained in the court's original dated May 30, 2002 and its amended order dated July 10, 2002 and has been edited to correct spelling and other typographical errors.

**SENATE DISTRICTS**

**First senate district.** The combination of the 1st, 2nd and 3rd assembly districts.

**Second senate district.** The combination of the 4th, 5th and 6th assembly districts.

**Third senate district.** The combination of the 7th, 8th and 9th assembly districts.

**Fourth senate district.** The combination of the 10th, 11th and 12th assembly districts.

**Fifth senate district.** The combination of the 13th, 14th and 15th assembly districts.

**Sixth senate district.** The combination of the 16th, 17th and 18th assembly districts.

**Seventh senate district.** The combination of the 19th, 20th and 21st assembly districts.

**Eighth senate district.** The combination of the 22nd, 23rd and 24th assembly districts.

**Ninth senate district.** The combination of the 25th, 26th and 27th assembly districts.

**Tenth senate district.** The combination of the 28th, 29th and 30th assembly districts.

**Eleventh senate district.** The combination of the 31st, 32nd and 33rd assembly districts.

**Twelfth senate district.** The combination of the 34th, 35th and 36th assembly districts.

**Thirteenth senate district.** The combination of the 37th, 38th and 39th assembly districts.

**Fourteenth senate district.** The combination of the 40th, 41st and 42nd assembly districts.

**Fifteenth senate district.** The combination of the 43rd, 44th and 45th assembly districts.

**Sixteenth senate district.** The combination of the 46th, 47th and 48th assembly districts.

**Seventeenth senate district.** The combination of the 49th, 50th and 51st assembly districts.

**Eighteenth senate district.** The combination of the 52nd, 53rd and 54th assembly districts.

**Nineteenth senate district.** The combination of the 55th, 56th and 57th assembly districts.

**Twentieth senate district.** The combination of the 58th, 59th and 60th assembly districts.

**Twenty-First senate district.** The combination of the 61st, 62nd and 63rd assembly districts.

**Twenty-Second senate district.** The combination of the 64th, 65th and 66th assembly districts.

**Twenty-Third senate district.** The combination of the 67th, 68th and 69th assembly districts.

**Twenty-Fourth senate district.** The combination of the 70th, 71st and 72nd assembly districts.

**Twenty-Fifth senate district.** The combination of the 73rd, 74th and 75th assembly districts.

**Twenty-Sixth senate district.** The combination of the 76th, 77th and 78th assembly districts.

**Twenty-Seventh senate district.** The combination of the 79th, 80th and 81st assembly districts.

**Twenty-Eighth senate district.** The combination of the 82nd, 83rd and 84th assembly districts.

**Twenty-Ninth senate district.** The combination of the 85th, 86th and 87th assembly districts.

**Thirtieth senate district.** The combination of the 88th, 89th and 90th assembly districts.

**Thirty-First senate district.** The combination of the 91st, 92nd and 93rd assembly districts.

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**Thirty-Second senate district.** The combination of the 94th, 95th and 96th assembly districts.

**Thirty-Third senate district.** The combination of the 97th, 98th and 99th assembly districts.

## ASSEMBLY DISTRICTS

**First assembly district.** All of the following territory constitutes the first assembly district:

- (1) **WHOLE COUNTY.** Door County.
- (2) **BROWN COUNTY.** That part of Brown County consisting of the towns of Green Bay, Humboldt, and Scott.
- (3) **KEWAUNEE COUNTY.** That part of Kewaunee County consisting of all of the following:
  - (a) The towns of Ahnapee, Carlton, Casco, Lincoln, Luxemburg, Montpelier, Pierce, Red River, and West Kewaunee.
  - (b) The villages of Casco and Luxemburg.
  - (c) The cities of Algoma and Kewaunee.

**Second assembly district.** All of the following territory constitutes the 2nd assembly district:

- (1) **BROWN COUNTY.** That part of Brown County consisting of all of the following:
  - (a) The towns of Bellevue, Eaton, Glenmore, Ledgeview, New Denmark, Rockland, and Wrightstown.
  - (b) The villages of Denmark and Wrightstown.
- (2) **KEWAUNEE COUNTY.** That part of Kewaunee County consisting of the town of Franklin.
- (3) **MANITOWOC COUNTY.** That part of Manitowoc County consisting of all of the following:
  - (a) The towns of Cooperstown, Franklin, Gibson, Kossuth, Maple Grove, Mishicot, Two Creeks, and Two Rivers.
  - (b) The villages of Francis Creek, Kellnersville, Maribel, and Mishicot.
  - (c) The city of Two Rivers.

**Third assembly district.** All of the following territory constitutes the 3rd assembly district:

- (1) **BROWN COUNTY.** That part of Brown County consisting of the towns of Holland and Morrison.
- (2) **CALUMET COUNTY.** That part of Calumet County consisting of all of the following:
  - (a) The towns of Brillion, Chilton, Harrison, Stockbridge, and Woodville.
  - (b) The villages of Sherwood and Stockbridge.
  - (c) The cities of Brillion and Chilton.
  - (d) That part of the city of Appleton located in the county.
  - (e) That part of the city of Menasha located in the county.
- (3) **OUTAGAMIE COUNTY.** That part of Outagamie County consisting of all of the following:
  - (a) The town of Buchanan.
  - (b) The villages of Combined Locks and Kimberly.
  - (c) That part of the village of Little Chute comprising wards 5, 6, 7, and 11.

**Fourth assembly district.** All of the following territory in Brown County constitutes the 4th assembly district:

- (1) The village of Allouez.
- (2) That part of the village of Ashwaubenon comprising wards 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, and 12.
- (3) The city of De Pere.
- (4) That part of the city of Green Bay comprising ward 46.

**Fifth assembly district.** All of the following territory constitutes the 5th assembly district:

(1) **BROWN COUNTY.** That part of Brown County consisting of all of the following:

- (a) The towns of Hobart and Lawrence.
- (b) That part of the village of Ashwaubenon comprising ward 9.
- (c) That part of the city of Green Bay comprising wards 47, 48, and 49.

(2) **OUTAGAMIE COUNTY.** That part of Outagamie County consisting of all of the following:

- (a) The towns of Black Creek, Cicero, Freedom, Kaukauna, Oneida, Osborn, Seymour, and Vandebroek.
- (b) The villages of Black Creek and Nichols.
- (c) That part of the village of Little Chute comprising wards 1, 2, 4, 8, 9, 10, 12, and 13.
- (d) That part of the village of Howard located in the county.
- (e) The cities of Kaukauna and Seymour.

(3) **SHAWANO COUNTY.** That part of Shawano County consisting of the town of Maple Grove.

**Sixth assembly district.** All of the following territory constitutes the 6th assembly district:

(1) **OCONTO COUNTY.** That part of Oconto County consisting of all of the following:

- (a) The towns of Abrams, Bagley, Brazeau, Breed, Gillett, How, Maple Valley, Morgan, Oconto Falls, Spruce, and Underhill.
- (b) The village of Suring.
- (c) The cities of Gillett and Oconto Falls.

(2) **OUTAGAMIE COUNTY.** That part of Outagamie County consisting of all of the following:

- (a) The towns of Bovina, Deer Creek, Ellington, Liberty, Maine, and Maple Creek.
- (b) The villages of Bear Creek and Shiocton.

(3) **SHAWANO COUNTY.** That part of Shawano County consisting of all of the following:

- (a) The towns of Angelica, Belle Plaine, Grant, Green Valley, Hartland, Herman, Lessor, Morris, Navarino, Pella, Richmond, Seneca, Washington, Waukechon, and Wescott.
- (b) The villages of Bonduel, Bowler, Cecil, and Gresham.
- (c) The city of Shawano.

(4) **WAUPACA COUNTY.** That part of Waupaca County consisting of all of the following:

- (a) The town of Matteson.
- (b) The village of Embarrass.

**Seventh assembly district.** All of the following territory in Milwaukee County constitutes the 7th assembly district:

- (1) That part of the city of Greenfield comprising wards 1, 2, 3, 4, 5, 8, 13, 14, 15, 16, 17, 18, 19, 20, and 21.
- (2) That part of the city of Milwaukee comprising wards 184, 185, 186, 187, 188, 189, 190, 193, 194, 195, 196, 197, 198, 199, and 231.

**Eighth assembly district.** All of the following territory in Milwaukee County constitutes the 8th assembly district: that part of the city of Milwaukee comprising wards 63, 64, 132, 133, 134, 135, 139, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 291, 292, and 293.

**Ninth assembly district.** All of the following territory in Milwaukee County constitutes the 9th assembly district: that part of the city of Milwaukee comprising wards 136, 137, 138, 140, 141, 142, 143, 144, 145, 146, 182, 183, 200, 217, 218, 219, 220, 221, 242, 243, 244, 245, 246, 247, 248, 294, 295, and 296.

**Tenth assembly district.** All of the following territory in Milwaukee County constitutes the 10th assembly district:

- (1) That part of the city of Glendale comprising wards 1, 6, and 12.

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(2) That part of the city of Milwaukee comprising wards 1, 2, 3, 11, 13, 16, 17, 19, 41, 48, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 157, 161, 164, 165, 166, 176, 177, and 178.

**Eleventh assembly district.** All of the following territory in Milwaukee County constitutes the 11th assembly district: that part of the city of Milwaukee comprising wards 4, 5, 6, 7, 8, 9, 10, 12, 14, 15, 18, 20, 21, 22, 23, 26, 27, 28, 78, 79, 80, 115, 156, 158, 159, 160, 162, and 163.

**Twelfth assembly district.** All of the following territory constitutes the 12th assembly district:

(1) **MILWAUKEE COUNTY.** That part of Milwaukee County consisting of all of the following:

(a) That part of the city of Milwaukee comprising wards 24, 25, 74, 75, 76, 77, 83, 148, 149, 151, 152, 153, 154, 155, 264, 266, 267, 268, 269, 270, 271, 272, and 273.

(b) That part of the city of Wauwatosa comprising wards 23 and 24.

(2) **WAUKESHA COUNTY.** That part of Waukesha County consisting of that part of the city of Milwaukee located in the county.

**Thirteenth assembly district.** All of the following territory in Milwaukee County constitutes the 13th assembly district:

(1) The village of West Milwaukee.

(2) That part of the city of Milwaukee comprising wards 37, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 282, 283, 284, 285, 288, and 289.

(3) That part of the city of Wauwatosa comprising wards 1, 2, 3, 4, 7, 10, 11, 12, 13, 14, and 15.

**Fourteenth assembly district.** All of the following territory constitutes the 14th assembly district:

(1) **MILWAUKEE COUNTY.** That part of Milwaukee County consisting of all of the following:

(a) That part of the city of Milwaukee comprising wards 286 and 287.

(b) That part of the city of Wauwatosa comprising wards 5, 6, 8, 9, 16, 17, 18, 19, 20, 21, and 22.

(c) That part of the city of West Allis comprising wards 16, 17, 18, 28, 30, and 32.

(2) **WAUKESHA COUNTY.** That part of Waukesha County consisting of all of the following:

(a) The village of Elm Grove.

(b) That part of the city of Brookfield comprising wards 1, 2, 3, 7, 9, 15, 23, and 24.

**Fifteenth assembly district.** All of the following territory in Milwaukee County constitutes the 15th assembly district:

(1) That part of the city of Milwaukee comprising wards 191 and 192.

(2) That part of the city of West Allis comprising wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 31, and 33.

**Sixteenth assembly district.** All of the following territory in Milwaukee County constitutes the 16th assembly district: that part of the city of Milwaukee comprising wards 60, 61, 62, 65, 66, 70, 71, 72, 73, 105, 106, 107, 108, 109, 110, 111, 112, 174, 175, 179, 180, 297, 298, 299, 311, 312, 313, and 314.

**Seventeenth assembly district.** All of the following territory in Milwaukee County constitutes the 17th assembly district: that part of the city of Milwaukee comprising wards 29, 30, 31, 32, 33, 34, 35, 36, 81, 82, 84, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 128, 167, 168, 169, 170, and 171.

**Eighteenth assembly district.** All of the following territory in Milwaukee County constitutes the 18th assembly district:

that part of the city of Milwaukee comprising wards 67, 68, 69, 126, 129, 130, 131, 172, 173, 181, 275, 276, 277, 278, 279, 280, 281, 290, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, and 310.

**Nineteenth assembly district.** All of the following territory in Milwaukee County constitutes the 19th assembly district: that part of the city of Milwaukee comprising wards 39, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 235, 236, 237, 238, 239, 240, 241, 251, 252, and 255.

**Twentieth assembly district.** All of the following territory in Milwaukee County constitutes the 20th assembly district:

(1) The cities of Cudahy and St. Francis.

(2) That part of the city of Milwaukee comprising wards 216, 222, 223, 224, 225, 226, 227, 228, 230, 233, 234, 249, 250, 253, 254, 256, and 257.

**Twenty-first assembly district.** All of the following territory in Milwaukee County constitutes the 21st assembly district:

(1) The cities of Oak Creek and South Milwaukee.

(2) That part of the city of Milwaukee comprising wards 229 and 232.

**Twenty-second assembly district.** All of the following territory in Milwaukee County constitutes the 22nd assembly district:

(1) The villages of Fox Point, River Hills, Shorewood, and Whitefish Bay.

(2) That part of the city of Glendale comprising wards 2, 3, 4, 5, 7, 8, 9, 10, and 11.

(3) That part of the city of Milwaukee comprising wards 38, 40, 147, and 150.

**Twenty-third assembly district.** All of the following territory constitutes the 23rd assembly district:

(1) **MILWAUKEE COUNTY.** That part of Milwaukee County consisting of all of the following:

(a) The village of Brown Deer.

(b) That part of the village of Bayside located in the county.

(c) That part of the city of Milwaukee comprising wards 258, 259, 260, 261, 263, and 265.

(2) **OZAUKEE COUNTY.** That part of Ozaukee County consisting of all of the following:

(a) The village of Thiensville.

(b) That part of the village of Bayside located in the county.

(c) That part of the city of Mequon comprising wards 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21.

(3) **WASHINGTON COUNTY.** That part of Washington County consisting of that part of the city of Milwaukee located in the county.

**Twenty-fourth assembly district.** All of the following territory constitutes the 24th assembly district:

(1) **WASHINGTON COUNTY.** That part of Washington County consisting of all of the following:

(a) The town of Germantown.

(b) That part of the town of Richfield comprising wards 6, 7, 8, 11, 12, and 13.

(c) The village of Germantown.

(2) **WAUKESHA COUNTY.** That part of Waukesha County consisting of all of the following:

(a) The village of Butler.

(b) That part of the village of Menomonee Falls comprising wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 28, and 29.

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**Twenty-fifth assembly district.** All of the following territory constitutes the 25th assembly district:

(1) CALUMET COUNTY. That part of Calumet County consisting of all of the following:

- (a) The town of Rantoul.
- (b) The villages of Hilbert and Potter.

(2) MANITOWOC COUNTY. That part of Manitowoc County consisting of all of the following:

- (a) The towns of Cato, Centerville, Eaton, Liberty, Manitowoc, Manitowoc Rapids, Meeme, Newton, and Rockland.
- (b) The villages of Cleveland, Reedsville, St. Nazianz, Valdres, and Whitelaw.
- (c) The city of Manitowoc.

**Twenty-sixth assembly district.** All of the following territory in Sheboygan County constitutes the 26th assembly district:

- (1) That part of the town of Sheboygan comprising ward 2.
- (2) The village of Kohler.
- (3) The city of Sheboygan.
- (4) That part of the city of Sheboygan Falls comprising ward 10.

**Twenty-seventh assembly district.** All of the following territory constitutes the 27th assembly district:

(1) CALUMET COUNTY. That part of Calumet County consisting of all of the following:

- (a) The towns of Brothertown, Charlestown, and New Holstein.
- (b) The city of New Holstein.
- (c) That part of the city of Kiel located in the county.

(2) FOND DU LAC COUNTY. That part of Fond du Lac County consisting of all of the following:

- (a) The towns of Calumet, Forest, and Marshfield.
- (b) The villages of Mount Calvary and St. Cloud.

(3) MANITOWOC COUNTY. That part of Manitowoc County consisting of all of the following:

- (a) The town of Schieswig.
- (b) That part of the city of Kiel located in the county.

(4) SHEBOYGAN COUNTY. That part of Sheboygan County consisting of all of the following:

- (a) The towns of Greenbush, Herman, Mosel, Plymouth, Rhine, Russell, and Sheboygan Falls.
- (b) That part of the town of Sheboygan comprising wards 1, 3, 4, 5, 6, and 7.
- (c) The villages of Elkhart Lake, Glenbeulah, and Howards Grove.
- (d) The city of Plymouth.
- (e) That part of the city of Sheboygan Falls comprising wards 1, 2, 3, 4, 5, 6, 7, 8, and 9.

**Twenty-eighth assembly district.** All of the following territory constitutes the 28th assembly district:

(1) BURNETT COUNTY. That part of Burnett County consisting of all of the following:

- (a) The towns of Anderson, Daniels, Dewey, Grantsburg, La Follette, Lincoln, Meenon, Roosevelt, Siren, Trade Lake, West Marshland, and Wood River.
- (b) The villages of Grantsburg, Siren, and Webster.

(2) POLK COUNTY. That part of Polk County consisting of all of the following:

- (a) The towns of Alden, Apple River, Balsam Lake, Black Brook, Bone Lake, Clam Falls, Clayton, Clear Lake, Eureka, Farmington, Garfield, Georgetown, Laketown, Lincoln, Lorain, Luck, Milltown, Osceola, St. Croix Falls, Sterling, and West Sweden.

(b) The villages of Balsam Lake, Centuria, Clayton, Clear Lake, Dresser, Frederic, Luck, Milltown, and Osceola.

(c) The cities of Amery and St. Croix Falls.

(3) ST. CROIX COUNTY. That part of St. Croix County consisting of all of the following:

- (a) That part of the town of Somerset comprising wards 1, 3, 4, and 5.
- (b) The village of Somerset.

**Twenty-ninth assembly district.** All of the following territory constitutes the 29th assembly district:

(1) DUNN COUNTY. That part of Dunn County consisting of all of the following:

- (a) The towns of Lucas, Menomonie, and Stanton.
- (b) The village of Knapp.
- (c) The city of Menomonie.

(2) PIERCE COUNTY. That part of Pierce County consisting of all of the following:

- (a) The towns of Gilman and Spring Lake.
- (b) The village of Elmwood.
- (c) That part of the village of Spring Valley located in the county.

(3) ST. CROIX COUNTY. That part of St. Croix County consisting of all of the following:

- (a) The towns of Baldwin, Cady, Cylon, Eau Galle, Emerald, Erin Prairie, Forest, Glenwood, Hammond, Kinnickinnic, Pleasant Valley, Richmond, Rush River, Springfield, Stanton, Star Prairie, and Warren.
- (b) The villages of Baldwin, Deer Park, Hammond, Roberts, Star Prairie, Wilson, and Woodville.
- (c) That part of the village of Spring Valley located in the county.
- (d) The cities of Glenwood City and New Richmond.

**Thirtieth assembly district.** All of the following territory constitutes the 30th assembly district:

(1) PIERCE COUNTY. That part of Pierce County consisting of all of the following:

- (a) The towns of Clifton, Diamond Bluff, Oak Grove, River Falls, Trenton, and Trimble.
- (b) The village of Ellsworth.
- (c) The city of Prescott.
- (d) That part of the city of River Falls located in the county.

(2) ST. CROIX COUNTY. That part of St. Croix County consisting of all of the following:

- (a) The towns of Hudson, St. Joseph, and Troy.
- (b) That part of the town of Somerset comprising ward 2.
- (c) The village of North Hudson.
- (d) The city of Hudson.
- (e) That part of the city of River Falls located in the county.

**Thirty-first assembly district.** All of the following territory constitutes the 31st assembly district:

(1) JEFFERSON COUNTY. That part of Jefferson County consisting of all of the following:

- (a) The towns of Cold Spring, Concord, Farmington, Hebron, Palmyra, and Sullivan.
- (b) The villages of Johnson Creek, Palmyra, and Sullivan.

(2) WALWORTH COUNTY. That part of Walworth County consisting of all of the following:

- (a) The towns of Lafayette, La Grange, Spring Prairie, Sugar Creek, and Troy.
- (b) The city of Elkhorn.

(3) WAUKESHA COUNTY. That part of Waukesha County consisting of all of the following:

- (a) The towns of Eagle, Ottawa, and Summit.



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(1) COLUMBIA COUNTY. That part of Columbia County consisting of that part of the village of Randolph located in the county.

(2) DODGE COUNTY. That part of Dodge County consisting of all of the following:

(a) The towns of Beaver Dam, Burnett, Calamus, Chester, Fox Lake, Herman, Hubbard, Leroy, Lomira, Oak Grove, Rubicon, Trenton, Westford, and Williamstown.

(b) The villages of Brownsville, Iron Ridge, Kekoskee, Lomira, and Neosho.

(c) That part of the village of Randolph located in the county.

(d) The cities of Beaver Dam, Fox Lake, Horicon, Juneau, and Mayville.

**Fortieth assembly district.** All of the following territory constitutes the 40th assembly district:

(1) OUTAGAMIE COUNTY. That part of Outagamie County consisting of all of the following:

(a) The town of Hortonia.

(b) The village of Hortonville.

(c) That part of the city of New London located in the county.

(2) SHAWANO COUNTY. That part of Shawano County consisting of that part of the city of Marion located in the county.

(3) WAUPACA COUNTY. That part of Waupaca County consisting of all of the following:

(a) The towns of Bear Creek, Caledonia, Dayton, Dupont, Farmington, Harrison, Helvetia, Iola, Larrabee, Lebanon, Lind, Little Wolf, Mukwa, Royalton, St. Lawrence, Scandinavia, Union, Waupaca, Weyauwega, and Wyoming.

(b) The villages of Big Falls, Iola, Ogdensburg, and Scandinavia.

(c) The cities of Clintonville, Manawa, Waupaca, and Weyauwega.

(d) That part of the city of Marion located in the county.

(e) That part of the city of New London located in the county.

**Forty-first assembly district.** All of the following territory constitutes the 41st assembly district:

(1) WHOLE COUNTY. Green Lake County.

(2) FOND DU LAC COUNTY. That part of Fond du Lac County consisting of all of the following:

(a) The towns of Alto, Metomen, and Ripon.

(b) The villages of Brandon and Fairwater.

(c) The city of Ripon.

(3) MARQUETTE COUNTY. That part of Marquette County consisting of all of the following:

(a) The towns of Crystal Lake, Mecan, Neshkoro, and Newton.

(b) The village of Neshkoro.

(4) WAUPACA COUNTY. That part of Waupaca County consisting of all of the following:

(a) The town of Fremont.

(b) The village of Fremont.

(5) WAUSHARA COUNTY. That part of Waushara County consisting of all of the following:

(a) The towns of Aurora, Bloomfield, Coloma, Dakota, Leon, Marion, Mount Morris, Poysippi, Richford, Saxeville, Springwater, Warren, and Wautoma.

(b) The villages of Coloma, Lohrville, Redgranite, and Wild Rose.

(c) The city of Wautoma.

(d) That part of the city of Berlin located in the county.

**Forty-second assembly district.** All of the following territory constitutes the 42nd assembly district:

(1) ADAMS COUNTY. That part of Adams County consisting of all of the following:

(a) The towns of Dell Prairie and New Haven.

(b) That part of the city of Wisconsin Dells located in the county.

(2) COLUMBIA COUNTY. That part of Columbia County consisting of all of the following:

(a) The towns of Caledonia, Fort Winnebago, Lewiston, Marcellon, Newport, and Wyocena.

(b) The villages of Pardeeville and Wyocena.

(c) The city of Portage.

(d) That part of the city of Wisconsin Dells located in the county.

(3) MARQUETTE COUNTY. That part of Marquette County consisting of all of the following:

(a) The towns of Buffalo, Douglas, Harris, Montello, Moundville, Oxford, Packwaukee, Shields, and Westfield.

(b) The villages of Endeavor and Oxford.

(c) The city of Montello.

(4) SAUK COUNTY. That part of Sauk County consisting of all of the following:

(a) The towns of Baraboo, Delton, Fairfield, and Greenfield.

(b) The villages of Lake Delton and West Baraboo.

(c) The city of Baraboo.

(d) That part of the city of Wisconsin Dells located in the county.

**Forty-third assembly district.** All of the following territory constitutes the 43rd assembly district:

(1) DANE COUNTY. That part of Dane County consisting of that part of the city of Edgerton located in the county.

(2) JEFFERSON COUNTY. That part of Jefferson County consisting of that part of the city of Whitewater located in the county.

(3) ROCK COUNTY. That part of Rock County consisting of all of the following:

(a) The towns of Avon, Beloit, Center, Fulton, Janesville, Lima, Milton, Newark, Plymouth, Porter, Rock, and Spring Valley.

(b) The villages of Footville and Orfordville.

(c) The city of Milton.

(d) That part of the city of Edgerton located in the county.

(4) WALWORTH COUNTY. That part of Walworth County consisting of all of the following:

(a) The town of Whitewater.

(b) That part of the city of Whitewater located in the county.

**Forty-fourth assembly district.** All of the following territory in Rock County constitutes the 44th assembly district: that part of the city of Janesville comprising wards 1, 2, 3, 4, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25.

**Forty-fifth assembly district.** All of the following territory constitutes the 45th assembly district:

(1) ROCK COUNTY. That part of Rock County consisting of all of the following:

(a) The towns of Bradford, Clinton, Harmony, Johnstown, La Prairie, and Turtle.

(b) The village of Clinton.

(c) The city of Beloit.

(d) That part of the city of Janesville comprising wards 5, 6, and 12.

(2) WALWORTH COUNTY. That part of Walworth County consisting of the town of Richmond.

**Forty-sixth assembly district.** All of the following territory in Dane County constitutes the 46th assembly district:

(1) The towns of Cottage Grove, Dunkirk, Pleasant Springs, Rutland, and Sun Prairie.

(2) That part of the town of Dunn comprising wards 1 and 7.

(3) The village of Cottage Grove.

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(4) That part of the village of Oregon comprising wards 2, 3, and 4.

(5) The cities of Stoughton and Sun Prairie.

**Forty-seventh assembly district.** All of the following territory constitutes the 47th assembly district:

(1) COLUMBIA COUNTY. That part of Columbia County consisting of all of the following:

(a) The towns of Arlington, Columbus, Courtland, Dekorra, Fountain Prairie, Hampden, Leeds, Lodi, Lowville, Otsego, Pacific, Randolph, Scott, Springvale, and West Point.

(b) The villages of Arlington, Cambria, Doylestown, Fall River, Friesland, Poynette, and Rio.

(c) The city of Lodi.

(2) DANE COUNTY. That part of Dane County consisting of all of the following:

(a) The towns of Bristol, Dane, Mazomanie, Medina, Roxbury, Vienna, Windsor, and York.

(b) The villages of Dane, DeForest, and Marshall.

(3) SAUK COUNTY. That part of Sauk County consisting of all of the following:

(a) The town of Merrimac.

(b) The village of Merrimac.

**Forty-eighth assembly district.** All of the following territory in Dane County constitutes the 48th assembly district:

(1) The town of Blooming Grove.

(2) That part of the town of Dunn comprising wards 2, 3, 4, 5, and 6.

(3) The village of McFarland.

(4) The city of Monona.

(5) That part of the city of Madison comprising wards 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 33, 55, and 56.

**Forty-ninth assembly district.** All of the following territory constitutes the 49th assembly district:

(1) WHOLE COUNTY. Grant County.

(2) IOWA COUNTY. That part of Iowa County consisting of all of the following:

(a) That part of the village of Livingston located in the county.

(b) That part of the village of Montfort located in the county.

(c) That part of the village of Muscoda located in the county.

(3) LAFAYETTE COUNTY. That part of Lafayette County consisting of all of the following:

(a) The town of Benton.

(b) The village of Benton.

(c) That part of the village of Hazel Green located in the county.

(d) That part of the city of Cuba City located in the county.

(4) RICHLAND COUNTY. That part of Richland County consisting of all of the following:

(a) The towns of Dayton, Eagle, Orion, and Richwood.

(b) The village of Boaz.

**Fiftieth assembly district.** All of the following territory constitutes the 50th assembly district:

(1) WHOLE COUNTY. Juneau County.

(2) MONROE COUNTY. That part of Monroe County consisting of all of the following:

(a) The towns of Clifton and Glendale.

(b) The village of Kendall.

(3) RICHLAND COUNTY. That part of Richland County consisting of all of the following:

(a) The towns of Marshall, Richland, Rockbridge, Westford, and Willow.

(b) That part of the village of Cazenovia located in the county.

(c) The city of Richland Center.

(4) SAUK COUNTY. That part of Sauk County consisting of all of the following:

(a) The towns of Dellona, Excelsior, Freedom, Ironton, La Valle, Reedsburg, Washington, Westfield, Winfield, and Woodland.

(b) The villages of Ironton, La Valle, Lime Ridge, Loganville, North Freedom, and Rock Springs.

(c) That part of the village of Cazenovia located in the county.

(d) The city of Reedsburg.

**Fifty-first assembly district.** All of the following territory constitutes the 51st assembly district:

(1) IOWA COUNTY. That part of Iowa County consisting of all of the following:

(a) The towns of Arena, Brigham, Clyde, Dodgeville, Eden, Highland, Linden, Mifflin, Mineral Point, Moscow, Pulaski, Ridgeway, Waldwick, and Wyoming.

(b) The villages of Arena, Avoca, Bameveld, Cobb, Highland, Hollandale, Linden, Rewey, and Ridgeway.

(c) That part of the village of Blanchardville located in the county.

(d) The cities of Dodgeville and Mineral Point.

(2) LAFAYETTE COUNTY. That part of Lafayette County consisting of all of the following:

(a) The towns of Argyle, Belmont, Blanchard, Darlington, Elk Grove, Fayette, Gratiot, Kendall, Lamont, Monticello, New Diggings, Seymour, Shullsburg, White Oak Springs, Willow Springs, and Wiota.

(b) The villages of Argyle, Belmont, and Gratiot.

(c) That part of the village of Blanchardville located in the county.

(d) The cities of Darlington and Shullsburg.

(3) RICHLAND COUNTY. That part of Richland County consisting of all of the following:

(a) The towns of Buena Vista and Ithaca.

(b) The village of Lone Rock.

(4) SAUK COUNTY. That part of Sauk County consisting of all of the following:

(a) The towns of Bear Creek, Franklin, Honey Creek, Prairie du Sac, Spring Green, Sumpter, and Troy.

(b) The villages of Plain, Prairie du Sac, Sauk City, and Spring Green.

**Fifty-second assembly district.** All of the following territory in Fond du Lac County constitutes the 52nd assembly district:

(1) The towns of Eldorado, Friendship, and Taycheedah.

(2) The village of North Fond du Lac.

(3) The city of Fond du Lac.

**Fifty-third assembly district.** All of the following territory constitutes the 53rd assembly district:

(1) DODGE COUNTY. That part of Dodge County consisting of that part of the city of Waupun located in the county.

(2) FOND DU LAC COUNTY. That part of Fond du Lac County consisting of all of the following:

(a) The towns of Byron, Empire, Fond du Lac, Lamartine, Oakfield, Rosendale, Springvale, and Waupun.

(b) The villages of Oakfield and Rosendale.

(c) That part of the city of Waupun located in the county.

(3) WINNEBAGO COUNTY. That part of Winnebago County consisting of all of the following:

(a) The towns of Algoma, Black Wolf, Nekimi, Nepeuskun, Omro, Oshkosh, Rushford, and Utica.

(b) The city of Omro.

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(c) That part of the city of Oshkosh comprising wards 3, 4, 5, 6, 7, and 9.

**Fifty-fourth assembly district.** All of the following territory in Winnebago County constitutes the 54th assembly district: that part of the city of Oshkosh comprising wards 1, 2, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33.

**Fifty-fifth assembly district.** All of the following territory in Winnebago County constitutes the 55th assembly district:

(1) That part of the town of Menasha comprising wards 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13.

(2) The city of Neenah.

(3) That part of the city of Appleton located in the county.

(4) That part of the city of Menasha located in the county.

**Fifty-sixth assembly district.** All of the following territory constitutes the 56th assembly district:

(1) OUTAGAMIE COUNTY. That part of Outagamie County consisting of all of the following:

(a) The towns of Center, Dale, Grand Chute, and Greenville.

(b) That part of the city of Appleton comprising wards 30, 31, 32, 51, and 52.

(2) WINNEBAGO COUNTY. That part of Winnebago County consisting of all of the following:

(a) The towns of Clayton, Neenah, Poygan, Vinland, Winchester, Winneconne, and Wolf River.

(b) That part of the town of Menasha comprising wards 1 and 2.

(c) The village of Winneconne.

**Fifty-seventh assembly district.** All of the following territory in Outagamie County constitutes the 57th assembly district:

(1) That part of the village of Little Chute comprising ward 3.

(2) That part of the city of Appleton comprising wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 34, 35, 36, 37, 50, and 53.

**Fifty-eighth assembly district.** All of the following territory in Washington County constitutes the 58th assembly district:

(1) The towns of Addison, Jackson, and West Bend.

(2) That part of the town of Hartford comprising ward 5.

(3) That part of the town of Polk comprising wards 1, 2, 3, 4, 6, and 7.

(4) That part of the town of Trenton comprising wards 3 and 4.

(5) The villages of Jackson and Slinger.

(6) The city of West Bend.

**Fifty-ninth assembly district.** All of the following territory constitutes the 59th assembly district:

(1) DODGE COUNTY. That part of Dodge County consisting of all of the following:

(a) The town of Theresa.

(b) The village of Theresa.

(2) FOND DU LAC COUNTY. That part of Fond du Lac County consisting of all of the following:

(a) The towns of Ashford, Auburn, Eden, and Osceola.

(b) The villages of Campbellsport and Eden.

(3) OZAUKEE COUNTY. That part of Ozaukee County consisting of all of the following:

(a) The towns of Belgium and Fredonia.

(b) That part of the town of Saukville comprising ward 1.

(c) The villages of Belgium and Fredonia.

(4) SHEBOYGAN COUNTY. That part of Sheboygan County consisting of all of the following:

(a) The towns of Holland, Lima, Lyndon, Mitchell, Scott, Sherman, and Wilson.

(b) The villages of Adell, Cascade, Cedar Grove, Oostburg, Random Lake, and Waldo.

(5) WASHINGTON COUNTY. That part of Washington County consisting of all of the following:

(a) The towns of Barton, Farmington, Kewaskum, and Wayne.

(b) The village of Kewaskum.

**Sixtieth assembly district.** All of the following territory constitutes the 60th assembly district:

(1) OZAUKEE COUNTY. That part of Ozaukee County consisting of all of the following:

(a) The towns of Cedarburg, Grafton, and Port Washington.

(b) That part of the town of Saukville comprising wards 2, 3, 4, 5, and 6.

(c) The villages of Grafton and Saukville.

(d) That part of the village of Newburg located in the county.

(e) The cities of Cedarburg and Port Washington.

(f) That part of the city of Mequon comprising ward 2.

(2) WASHINGTON COUNTY. That part of Washington County consisting of all of the following:

(a) That part of the town of Trenton comprising wards 1, 2, 5, 6, and 7.

(b) That part of the village of Newburg located in the county.

**Sixty-first assembly district.** All of the following territory in Racine County constitutes the 61st assembly district:

(1) That part of the town of Mount Pleasant comprising ward 22.

(2) The villages of North Bay and Wind Point.

(3) That part of the city of Racine comprising wards 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 27, 33, and 34.

**Sixty-second assembly district.** All of the following territory in Racine County constitutes the 62nd assembly district:

(1) That part of the town of Mount Pleasant comprising wards 1, 2, 3, 4, 5, 7, 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, and 23.

(2) The villages of Elmwood Park and Sturtevant.

(3) That part of the city of Racine comprising wards 8, 21, 23, 24, 25, 26, 28, 29, 30, 31, and 32.

**Sixty-third assembly district.** All of the following territory in Racine County constitutes the 63rd assembly district:

(1) The towns of Caledonia, Dover, Norway, Raymond, Rochester, and Yorkville.

(2) That part of the town of Mount Pleasant comprising wards 6, 8, 9, 13, and 15.

(3) The villages of Rochester and Union Grove.

**Sixty-fourth assembly district.** All of the following territory in Kenosha County constitutes the 64th assembly district:

(1) That part of the town of Somers comprising ward 8.

(2) That part of the city of Kenosha comprising wards 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19, 20, 21, 22, 29, 31, and 32.

**Sixty-fifth assembly district.** All of the following territory in Kenosha County constitutes the 65th assembly district:

(1) That part of the town of Bristol comprising ward 6.

(2) The village of Pleasant Prairie.

(3) That part of the city of Kenosha comprising wards 5, 6, 16, 17, 18, 23, 24, 25, 26, 27, 28, 30, 33, and 34.

**Sixty-sixth assembly district.** All of the following territory constitutes the 66th assembly district:

(1) KENOSHA COUNTY. That part of Kenosha County consisting of all of the following:

(a) The towns of Brighton, Paris, Randall, and Salem.

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(b) That part of the town of Bristol comprising wards 1, 2, 3, 4, 5, 7, and 8.

(c) That part of the town of Somers comprising wards 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, and 12.

(d) The villages of Paddock Lake, Silver Lake, and Twin Lakes.

(e) That part of the village of Genoa City located in the county.

(2) **RACINE COUNTY.** That part of Racine County consisting of all of the following:

(a) The town of Burlington.

(b) That part of the city of Burlington located in the county.

(3) **WALWORTH COUNTY.** That part of Walworth County consisting of that part of the city of Burlington located in the county.

**Sixty-seventh assembly district.** All of the following territory constitutes the 67th assembly district:

(1) **BARRON COUNTY.** That part of Barron County consisting of all of the following:

(a) The towns of Dallas, Dovre, and Sioux Creek.

(b) The village of Dallas.

(c) That part of the village of New Auburn located in the county.

(2) **CHIPPEWA COUNTY.** That part of Chippewa County consisting of all of the following:

(a) The towns of Anson, Arthur, Auburn, Birch Creek, Bloomer, Cleveland, Colburn, Cooks Valley, Eagle Point, Estella, Goetz, Howard, Lake Holcombe, Ruby, Sampson, Tilden, and Woodmohr.

(b) The village of Cadott.

(c) That part of the village of New Auburn located in the county.

(d) The cities of Bloomer, Chippewa Falls, and Cornell.

(3) **DUNN COUNTY.** That part of Dunn County consisting of all of the following:

(a) The towns of Colfax, Elk Mound, Grant, Hay River, New Haven, Otter Creek, Red Cedar, Sand Creek, Sheridan, Sherman, Spring Brook, Tainter, Tiffany, and Wilson.

(b) The villages of Boyceville, Colfax, Downing, Elk Mound, Ridgeland, and Wheeler.

**Sixty-eighth assembly district.** All of the following territory constitutes the 68th assembly district:

(1) **CHIPPEWA COUNTY.** That part of Chippewa County consisting of all of the following:

(a) The towns of Hallie, Lafayette, and Wheaton.

(b) That part of the city of Eau Claire located in the county.

(2) **EAU CLAIRE COUNTY.** That part of Eau Claire County consisting of all of the following:

(a) The towns of Lincoln, Ludington, Seymour, and Union.

(b) That part of the town of Washington comprising wards 9 and 13.

(c) The village of Fall Creek.

(d) That part of the city of Altoona comprising wards 8, 12, and 13.

(e) That part of the city of Eau Claire comprising wards 1, 7, 8, 9, 10, 11, 12, 13, 14, 19, 22, 23, 29, 31, 34, 35, 36, and 37.

**Sixty-ninth assembly district.** All of the following territory constitutes the 69th assembly district:

(1) **CHIPPEWA COUNTY.** That part of Chippewa County consisting of all of the following:

(a) The towns of Delmar, Edson, and Sigel.

(b) The village of Boyd.

(c) The city of Stanley.

(2) **CLARK COUNTY.** That part of Clark County consisting of all of the following:

(a) The towns of Beaver, Butler, Colby, Eaton, Foster, Fremont, Grant, Green Grove, Hendren, Hewett, Hixon, Hoard, Longwood, Loyal, Lynn, Mayville, Mead, Mentor, Pine Valley, Reseburg, Seif, Sherman, Sherwood, Thorp, Unity, Warner, Washburn, Weston, Withee, Worden, and York.

(b) The villages of Curtiss, Granton, and Withee.

(c) That part of the village of Dorchester located in the county.

(d) That part of the village of Unity located in the county.

(e) The cities of Greenwood, Loyal, Neillsville, Owen, and Thorp.

(f) That part of the city of Abbotsford located in the county.

(g) That part of the city of Colby located in the county.

(3) **EAU CLAIRE COUNTY.** That part of Eau Claire County consisting of the town of Wilson.

(4) **MARATHON COUNTY.** That part of Marathon County consisting of all of the following:

(a) The towns of Brighton, Cleveland, Eau Pleine, Frankfort, Hull, McMillan, Spencer, and Wien.

(b) The villages of Edgar, Fenwood, Spencer, and Stratford.

(c) That part of the village of Dorchester located in the county.

(d) That part of the village of Unity located in the county.

(e) That part of the city of Abbotsford located in the county.

(f) That part of the city of Colby located in the county.

(5) **TAYLOR COUNTY.** That part of Taylor County consisting of the town of Taft.

(6) **WOOD COUNTY.** That part of Wood County consisting of the town of Lincoln.

**Seventieth assembly district.** All of the following territory constitutes the 70th assembly district:

(1) **MARATHON COUNTY.** That part of Marathon County consisting of that part of the city of Marshfield located in the county.

(2) **PORTAGE COUNTY.** That part of Portage County consisting of all of the following:

(a) The towns of Carson, Dewey, Eau Pleine, Hull, Linwood, and Sharon.

(b) That part of the town of Grant comprising ward 3.

(c) That part of the town of Plover comprising wards 1 and 4.

(d) The village of Junction City.

(e) That part of the village of Milladore located in the county.

(3) **WOOD COUNTY.** That part of Wood County consisting of all of the following:

(a) The towns of Arpin, Auburndale, Cameron, Cary, Cranmoor, Dexter, Hansen, Hiles, Marshfield, Milladore, Port Edwards, Remington, Richfield, Rock, Rudolph, Seneca, Sherry, Sigel, and Wood.

(b) The villages of Arpin, Auburndale, Hewitt, Rudolph, and Vesper.

(c) That part of the village of Milladore located in the county.

(d) The cities of Nekoosa and Pittsville.

(e) That part of the city of Marshfield located in the county.

**Seventy-first assembly district.** All of the following territory constitutes the 71st assembly district:

(1) **PORTAGE COUNTY.** That part of Portage County consisting of all of the following:

(a) The towns of Almond, Amherst, Belmont, Buena Vista, Lanark, New Hope, Pine Grove, and Stockton.

(b) That part of the town of Plover comprising wards 2 and 3.

(c) The villages of Almond, Amherst, Amherst Junction, Nelsonville, Park Ridge, Plover, and Whiting.

(d) The city of Stevens Point.

(2) **WAUSHARA COUNTY.** That part of Waushara County consisting of all of the following:

(a) The towns of Deerfield, Hancock, Oasis, Plainfield, and Rose.

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(b) The villages of Hancock and Plainfield.

**Seventy-second assembly district.** All of the following territory constitutes the 72nd assembly district:

(1) **ADAMS COUNTY.** That part of Adams County consisting of all of the following:

(a) The towns of Adams, Big Flats, Colburn, Easton, Jackson, Leola, Lincoln, Monroe, New Chester, Preston, Quincy, Richfield, Rome, Springville, and Strongs Prairie.

(b) The village of Friendship.

(c) The city of Adams.

(2) **MARQUETTE COUNTY.** That part of Marquette County consisting of all of the following:

(a) The town of Springfield.

(b) The village of Westfield.

(3) **PORTAGE COUNTY.** That part of Portage County consisting of that part of the town of Grant comprising wards 1 and 2.

(4) **WOOD COUNTY.** That part of Wood County consisting of all of the following:

(a) The towns of Grand Rapids and Saratoga.

(b) The villages of Biron and Port Edwards.

(c) The city of Wisconsin Rapids.

**Seventy-third assembly district.** All of the following territory constitutes the 73rd assembly district:

(1) **WHOLE COUNTY.** Douglas County.

(2) **BURNETT COUNTY.** That part of Burnett County consisting of the towns of Blaine, Jackson, Oakland, Rusk, Sand Lake, Scott, Swiss, Union, and Webb Lake.

(3) **WASHBURN COUNTY.** That part of Washburn County consisting of all of the following:

(a) The towns of Bass Lake, Brooklyn, Casey, Chicog, Crystal, Evergreen, Frog Creek, Gull Lake, Minong, Springbrook, Stinnett, and Trego.

(b) The village of Minong.

**Seventy-fourth assembly district.** All of the following territory constitutes the 74th assembly district:

(1) **WHOLE COUNTIES.** Ashland County, Bayfield County, and Iron County.

(2) **SAWYER COUNTY.** That part of Sawyer County consisting of all of the following:

(a) The towns of Bass Lake, Couderay, Edgewater, Hayward, Hunter, Lenroot, Ojibwa, Radisson, Round Lake, Sand Lake, Spider Lake, and Winter.

(b) The villages of Couderay, Radisson, and Winter.

(c) The city of Hayward.

**Seventy-fifth assembly district.** All of the following territory constitutes the 75th assembly district:

(1) **BARRON COUNTY.** That part of Barron County consisting of all of the following:

(a) The towns of Almena, Arland, Barron, Bear Lake, Cedar Lake, Chetek, Clinton, Crystal Lake, Cumberland, Doyle, Lakeland, Maple Grove, Maple Plain, Oak Grove, Prairie Farm, Prairie Lake, Rice Lake, Stanfold, Stanley, Sumner, Turtle Lake, and Vance Creek.

(b) The villages of Almena, Cameron, Haugen, and Prairie Farm.

(c) That part of the village of Turtle Lake located in the county.

(d) The cities of Barron, Chetek, Cumberland, and Rice Lake.

(2) **POLK COUNTY.** That part of Polk County consisting of all of the following:

(a) The towns of Beaver, Johnstown, and McKinley.

(b) That part of the village of Turtle Lake located in the county.

(3) **WASHBURN COUNTY.** That part of Washburn County consisting of all of the following:

(a) The towns of Barronett, Bashaw, Beaver Brook, Birchwood, Long Lake, Madge, Saron, Spooner, and Stone Lake.

(b) The village of Birchwood.

(c) The cities of Shell Lake and Spooner.

**Seventy-sixth assembly district.** All of the following territory in Dane County constitutes the 76th assembly district:

(1) That part of the town of Madison comprising wards 2, 3, 4, and 6.

(2) That part of the city of Fitchburg comprising wards 1, 2, 3, 4, and 6.

(3) That part of the city of Madison comprising wards 48, 50, 58, 59, 60, 65, 66, 67, 68, 69, 72, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, and 94.

**Seventy-seventh assembly district.** All of the following territory in Dane County constitutes the 77th assembly district:

(1) The village of Shorewood Hills.

(2) That part of the city of Madison comprising wards 45, 46, 47, 61, 62, 63, 64, 70, 71, 73, 74, 75, 76, 77, 78, 79, 80, 81, 95, 96, and 97.

(3) That part of the city of Middleton comprising wards 2, 3, and 4.

**Seventy-eighth assembly district.** All of the following territory in Dane County constitutes the 78th assembly district:

(1) That part of the town of Madison comprising wards 1, 5, 7, 8, 9, 10, and 11.

(2) The village of Maple Bluff.

(3) That part of the city of Madison comprising wards 14, 15, 21, 31, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 49, 51, 52, 53, 54, and 57.

**Seventy-ninth assembly district.** All of the following territory in Dane County constitutes the 79th assembly district:

(1) The towns of Blue Mounds, Cross Plains, Middleton, Springdale, Vermont, and Verona.

(2) The villages of Blue Mounds and Mount Horeb.

(3) The city of Verona.

(4) That part of the city of Fitchburg comprising wards 5, 7, 8, 9, 10, 11, and 12.

(5) That part of the city of Madison comprising wards 82, 83, 98, and 99.

(6) That part of the city of Middleton comprising wards 1, 5, 6, 7, and 9.

**Eightieth assembly district.** All of the following territory constitutes the 80th assembly district:

(1) **WHOLE COUNTY.** Green County.

(2) **DANE COUNTY.** That part of Dane County consisting of all of the following:

(a) The towns of Montrose, Oregon, Perry, and Primrose.

(b) That part of the village of Oregon comprising wards 1, 5, 6, 7, and 8.

(c) That part of the village of Belleville located in the county.

(d) That part of the village of Brooklyn located in the county.

(3) **LAFAYETTE COUNTY.** That part of Lafayette County consisting of all of the following:

(a) The town of Wayne.

(b) The village of South Wayne.

(4) **ROCK COUNTY.** That part of Rock County consisting of all of the following:

(a) The towns of Magnolia and Union.

(b) The city of Evansville.

(c) That part of the city of Brodhead located in the county.

**Eighty-first assembly district.** All of the following territory in Dane County constitutes the 81st assembly district:

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(1) The towns of Berry, Black Earth, Burke, Springfield, and Westport.

(2) The villages of Black Earth, Cross Plains, Mazomanie, and Waunakee.

(3) That part of the city of Madison comprising wards 9, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, and 30.

(4) That part of the city of Middleton comprising ward 8.

**Eighty-second assembly district.** All of the following territory in Milwaukee County constitutes the 82nd assembly district:

(1) The village of Greendale.

(2) The city of Franklin.

(3) That part of the city of Greenfield comprising wards 6, 7, 9, 10, 11, and 12.

**Eighty-third assembly district.** All of the following territory constitutes the 83rd assembly district:

(1) **RACINE COUNTY.** That part of Racine County consisting of all of the following:

(a) The town of Waterford.

(b) The village of Waterford.

(2) **WALWORTH COUNTY.** That part of Walworth County consisting of all of the following:

(a) The town of East Troy.

(b) The village of East Troy.

(c) That part of the village of Mukwonago located in the county.

(3) **WAUKESHA COUNTY.** That part of Waukesha County consisting of all of the following:

(a) The town of Vernon.

(b) That part of the town of Mukwonago comprising ward 3.

(c) The village of Big Bend.

(d) That part of the village of Mukwonago located in the county.

(e) The city of Muskego.

**Eighty-fourth assembly district.** All of the following territory constitutes the 84th assembly district:

(1) **MILWAUKEE COUNTY.** That part of Milwaukee County consisting of the village of Hales Corners.

(2) **WAUKESHA COUNTY.** That part of Waukesha County consisting of all of the following:

(a) That part of the town of Waukesha comprising wards 6, 9, 10, 11, and 12.

(b) The city of New Berlin.

(c) That part of the city of Waukesha comprising wards 25 and 26.

**Eighty-fifth assembly district.** All of the following territory constitutes the 85th assembly district:

(1) **MARATHON COUNTY.** That part of Marathon County consisting of all of the following:

(a) The towns of Berlin, Easton, Maine, Norrie, Plover, Texas, and Wausau.

(b) The village of Brokaw.

(c) That part of the village of Rothschild comprising wards 1, 2, 3, and 4.

(d) The cities of Schofield and Wausau.

(2) **SHAWANO COUNTY.** That part of Shawano County consisting of the villages of Aniwa and Eland.

**Eighty-sixth assembly district.** All of the following territory constitutes the 86th assembly district:

(1) **MARATHON COUNTY.** That part of Marathon County consisting of all of the following:

(a) The towns of Bergen, Bevent, Cassel, Day, Emmet, Franzen, Green Valley, Guenther, Knowlton, Kronenwetter, Marathon, Mosinee, Reid, Rib Falls, Rib Mountain, Rietbrock, Ringle, Stettin, and Weston.

(b) The villages of Hatley, Marathon City, and Weston.

(c) That part of the village of Rothschild comprising wards 5 and 6.

(d) The city of Mosinee.

(2) **PORTAGE COUNTY.** That part of Portage County consisting of all of the following:

(a) The town of Alban.

(b) The village of Rosholt.

(3) **SHAWANO COUNTY.** That part of Shawano County consisting of all of the following:

(a) The towns of Fairbanks and Germania.

(b) The village of Tigerton.

**Eighty-seventh assembly district.** All of the following territory constitutes the 87th assembly district:

(1) **WHOLE COUNTIES.** Price County and Rusk County.

(2) **MARATHON COUNTY.** That part of Marathon County consisting of the towns of Bern, Holton, and Johnson.

(3) **SAWYER COUNTY.** That part of Sawyer County consisting of all of the following:

(a) The towns of Draper, Meadowbrook, Meteor, and Weirgor.

(b) The village of Exeland.

(4) **TAYLOR COUNTY.** That part of Taylor County consisting of all of the following:

(a) The towns of Aurora, Browning, Chelsea, Cleveland, Deer Creek, Ford, Goodrich, Greenwood, Grover, Hammel, Holway, Jump River, Little Black, McKinley, Maplehurst, Medford, Molitor, Pershing, Rib Lake, Roosevelt, and Westboro.

(b) The villages of Gilman, Lublin, Rib Lake, and Stetsonville.

(c) The city of Medford.

**Eighty-eighth assembly district.** All of the following territory in Brown County constitutes the 88th assembly district: that part of the city of Green Bay comprising wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, and 36.

**Eighty-ninth assembly district.** All of the following territory constitutes the 89th assembly district:

(1) **BROWN COUNTY.** That part of Brown County consisting of all of the following:

(a) The town of Pittsfield.

(b) That part of the town of Suamico comprising wards 1, 2, 3, 4, 5, 6, 8, 9, and 10.

(c) That part of the village of Pulaski located in the county.

(2) **MARINETTE COUNTY.** That part of Marinette County consisting of all of the following:

(a) The towns of Beaver, Grover, Peshtigo, and Pound.

(b) The villages of Coleman and Pound.

(c) The cities of Marinette and Peshtigo.

(3) **OCONTO COUNTY.** That part of Oconto County consisting of all of the following:

(a) The towns of Chase, Lena, Little River, Little Suamico, Oconto, Pensaukee, and Stiles.

(b) The village of Lena.

(c) That part of the village of Pulaski located in the county.

(d) The city of Oconto.

(4) **SHAWANO COUNTY.** That part of Shawano County consisting of that part of the village of Pulaski located in the county.

**Ninetieth assembly district.** All of the following territory in Brown County constitutes the 90th assembly district:

(1) That part of the town of Suamico comprising ward 7.

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(2) That part of the village of Howard located in the county.

(3) That part of the city of Green Bay comprising wards 25, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 41, 42, 43, 44, and 45.

**Ninety-first assembly district.** All of the following territory constitutes the 91st assembly district:

(1) **WHOLE COUNTIES.** Buffalo County and Trempealeau County.

(2) **JACKSON COUNTY.** That part of Jackson County consisting of all of the following:

(a) The town of Springfield.

(b) The village of Taylor.

(3) **PEPIN COUNTY.** That part of Pepin County consisting of all of the following:

(a) The towns of Durand, Frankfort, Pepin, Stockholm, Waterville, and Waubeek.

(b) The villages of Pepin and Stockholm.

(c) The city of Durand.

(4) **PIERCE COUNTY.** That part of Pierce County consisting of all of the following:

(a) The towns of Ellsworth, El Paso, Hartland, Isabelle, Maiden Rock, Martell, Salem, and Union.

(b) The villages of Bay City, Maiden Rock, and Plum City.

**Ninety-second assembly district.** All of the following territory constitutes the 92nd assembly district:

(1) **CLARK COUNTY.** That part of Clark County consisting of the towns of Dewhurst and Levis.

(2) **EAU CLAIRE COUNTY.** That part of Eau Claire County consisting of all of the following:

(a) The towns of Bridge Creek and Fairchild.

(b) The village of Fairchild.

(c) The city of Augusta.

(3) **JACKSON COUNTY.** That part of Jackson County consisting of all of the following:

(a) The towns of Adams, Albion, Alma, Bear Bluff, Brockway, City Point, Cleveland, Curran, Franklin, Garden Valley, Garfield, Hixton, Irving, Knapp, Komensky, Manchester, Melrose, Millston, North Bend, and Northfield.

(b) The villages of Alma Center, Hixton, Melrose, and Merrillan.

(c) The city of Black River Falls.

(4) **MONROE COUNTY.** That part of Monroe County consisting of all of the following:

(a) The towns of Adrian, Angelo, Byron, Grant, Greenfield, Lafayette, La Grange, Lincoln, Little Falls, New Lyme, Oakdale, Scott, Sparta, and Tomah.

(b) The villages of Oakdale, Warrens, and Wyeville.

(c) The cities of Sparta and Tomah.

**Ninety-third assembly district.** All of the following territory constitutes the 93rd assembly district:

(1) **DUNN COUNTY.** That part of Dunn County consisting of the towns of Dunn, Eau Galle, Peru, Rock Creek, and Weston.

(2) **EAU CLAIRE COUNTY.** That part of Eau Claire County consisting of all of the following:

(a) The towns of Brunswick, Clear Creek, Drammen, Otter Creek, and Pleasant Valley.

(b) That part of the town of Washington comprising wards 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, and 12.

(c) That part of the city of Altoona comprising wards 1, 2, 3, 4, 5, 6, 7, 9, 10, and 11.

(d) That part of the city of Eau Claire comprising wards 2, 3, 4, 5, 6, 15, 17, 18, 20, 21, 24, 25, 26, 27, 28, 30, 32, 33, 38, and 39.

(3) **PEPIN COUNTY.** That part of Pepin County consisting of the towns of Albany and Lima.

(4) **PIERCE COUNTY.** That part of Pierce County consisting of the town of Rock Elm.

**Ninety-fourth assembly district.** All of the following territory constitutes the 94th assembly district:

(1) **LA CROSSE COUNTY.** That part of La Crosse County consisting of all of the following:

(a) The towns of Bangor, Barre, Burns, Campbell, Farmington, Greenfield, Hamilton, Holland, Medary, Onalaska, and Washington.

(b) That part of the town of Shelby comprising wards 2 and 3.

(c) The villages of Bangor, Holmen, and West Salem.

(d) That part of the village of Rockland located in the county.

(e) The city of Onalaska.

(2) **MONROE COUNTY.** That part of Monroe County consisting of all of the following:

(a) The towns of Leon and Portland.

(b) The village of Melvina.

(c) That part of the village of Rockland located in the county.

**Ninety-fifth assembly district.** All of the following territory in La Crosse County constitutes the 95th assembly district:

(1) That part of the town of Shelby comprising wards 1, 4, 5, and 6.

(2) The city of La Crosse.

**Ninety-sixth assembly district.** All of the following territory constitutes the 96th assembly district:

(1) **WHOLE COUNTIES.** Crawford County and Vernon County.

(2) **MONROE COUNTY.** That part of Monroe County consisting of all of the following:

(a) The towns of Jefferson, Ridgeville, Sheldon, Wellington, Wells, and Wilton.

(b) The villages of Cashton, Norwalk, and Wilton.

(3) **RICHLAND COUNTY.** That part of Richland County consisting of all of the following:

(a) The towns of Akan, Bloom, Forest, Henrietta, and Sylvan.

(b) The village of Yuba.

(c) That part of the village of Viola located in the county.

**Ninety-seventh assembly district.** All of the following territory in Waukesha County constitutes the 97th assembly district:

(1) That part of the town of Waukesha comprising wards 1, 2, 4, and 5.

(2) That part of the city of Waukesha comprising wards 1, 2, 3, 4, 5, 6, 7, 9, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 38.

**Ninety-eighth assembly district.** All of the following territory in Waukesha County constitutes the 98th assembly district:

(1) The town of Brookfield.

(2) That part of the town of Lisbon comprising wards 4, 5, 6, and 7.

(3) The village of Pewaukee.

(4) That part of the village of Sussex comprising ward 12.

(5) That part of the city of Brookfield comprising wards 4, 5, 6, 8, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, and 22.

(6) That part of the city of Pewaukee comprising wards 1, 2, 3, 4, 5, 6, 8, 9, and 10.

**Ninety-ninth assembly district.** All of the following territory constitutes the 99th assembly district:

(1) **DODGE COUNTY.** That part of Dodge County consisting of that part of the city of Hartford located in the county.

Electronic reproduction of 2009-10 Wis. Stats. database, current through 2011 Wis. Act 15 and April 30, 2011.

**4.005 LEGISLATIVE DISTRICTS**

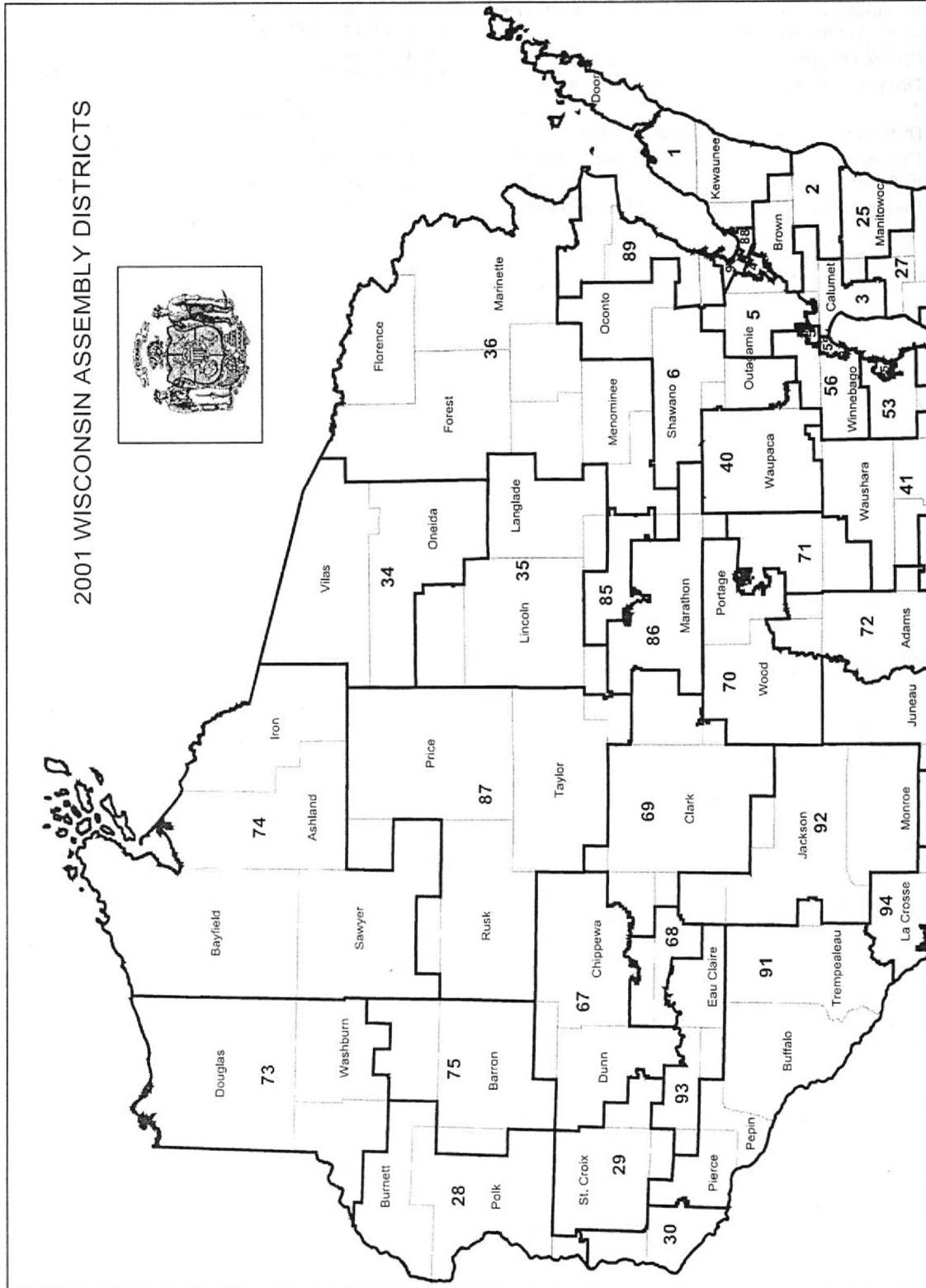
Updated 09-10 Wis. Stats. Database 14

**(2) WASHINGTON COUNTY.** That part of Washington County consisting of all of the following:

- (a) The town of Erin.
- (b) That part of the town of Hartford comprising wards 1, 2, 3, 4, and 6.
- (c) That part of the town of Polk comprising ward 5.
- (d) That part of the town of Richfield comprising wards 1, 2, 3, 4, 5, 9, and 10.
- (e) That part of the city of Hartford located in the county.

**(3) WAUKESHA COUNTY.** That part of Waukesha County consisting of all of the following:

- (a) The town of Merton.
- (b) That part of the town of Lisbon comprising wards 1, 2, 3, 8, 9, 10, 11, and 12.
- (c) The villages of Lannon and Merton.
- (d) That part of the village of Menomonee Falls comprising wards 18, 24, 25, 26, and 27.
- (e) That part of the village of Sussex comprising wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11.



2009-10 Wis. Stats. database updated and current through 2011 Wis. Act 15 and April 30, 2011, except 2011 Wis. Act 10 was not in effect on April 30, 2011 and is not included in this update. ( See order dated March 31, 2011 in Dane County Circuit Court Case No. 2011-00562-JRF-DPW-RMD - Filed 06/10/11 Page 16 of 53 documents )

Case 2:11-bk-00562-JRF-DPW-RMD Document 16-1 Filed 06/10/11 Page 16 of 53

after 5-1-11 are designated by NOTES. See Are The Statutes on this Website Official?

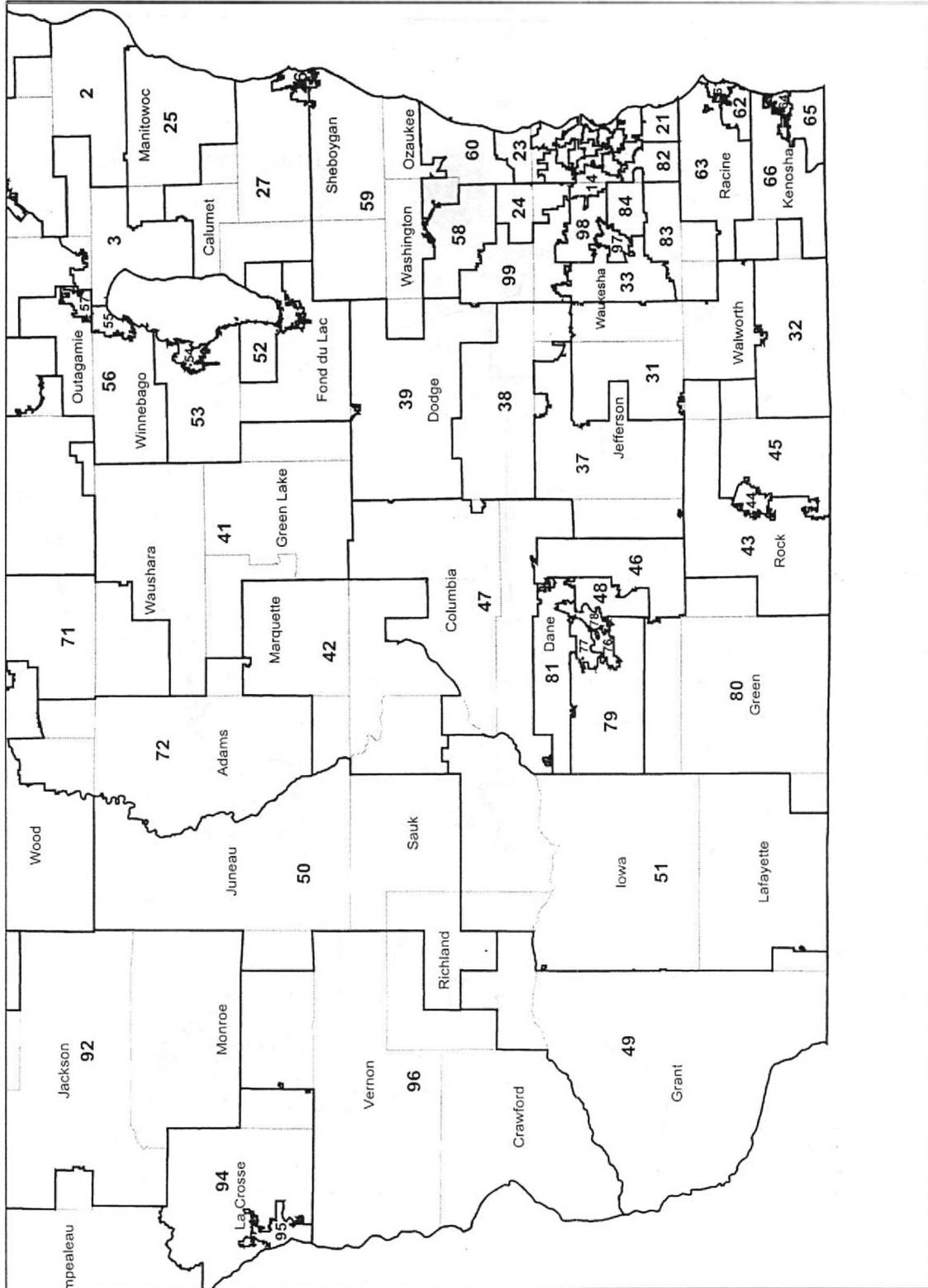
Electronic reproduction of 2009-10 Wis. Stats. database, current through 2011 Wis. Act 15 and April 30, 2011.

4.005

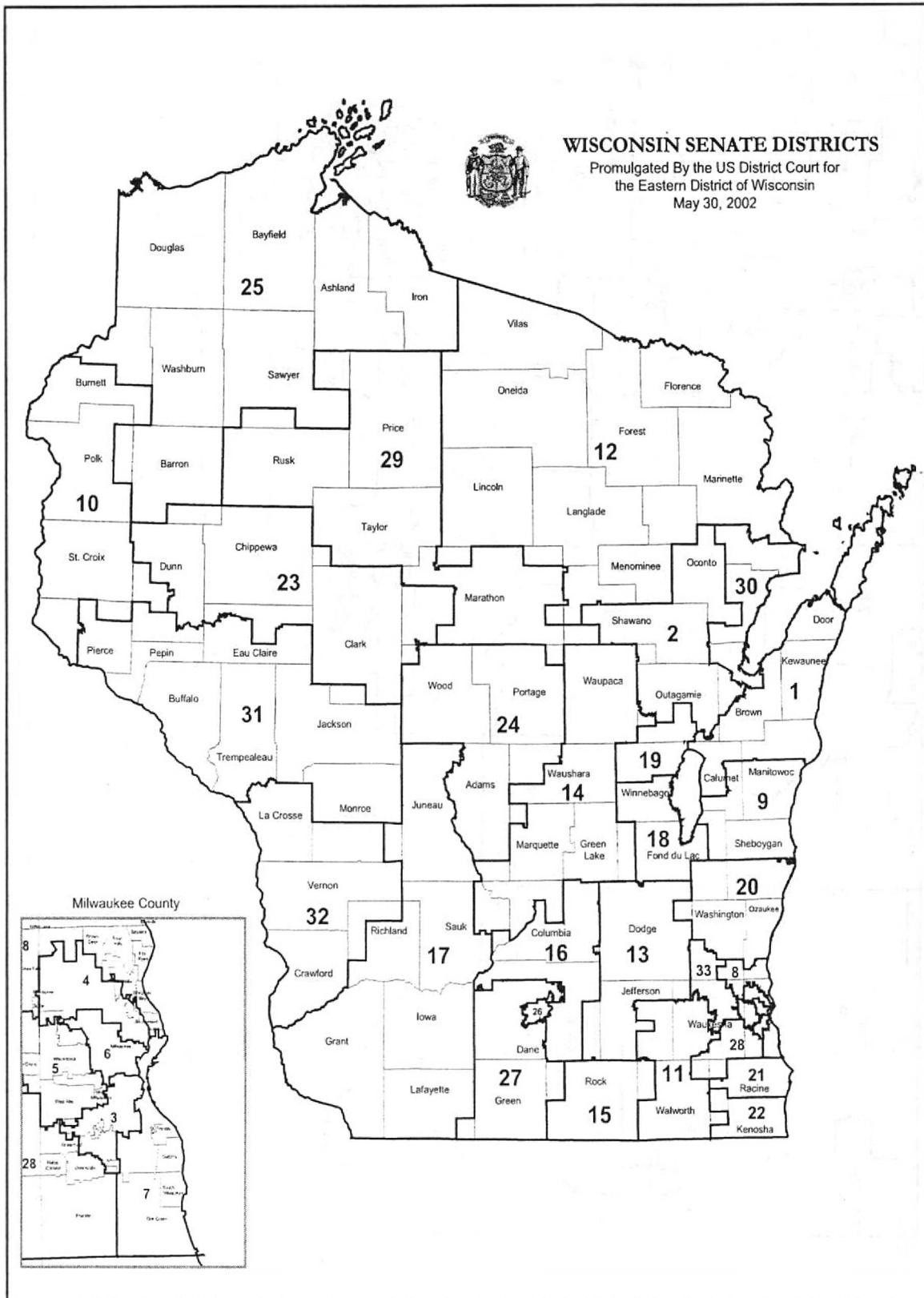
LEGISLATIVE DISTRICTS

Updated 09-10 Wis. Stats. Database

16



2009-10 Wis. Stats. database updated and current through 2011 Wis. Act 15 and April 30, 2011, except 2011 Wis. Act 10 was not in effect on April 30, 2011 and is not included in this update. ( See order dated March 31, 2011 in Dane County Circuit Court Case No. 2011-00562 JPS-DPW-RMD. Filed 06/10/11. Page 17 of 51. Statutory documents effective after 5-1-11 are designated by NOTES. See Are The Statutes on this Website Official?



2009-10 Wis. Stats. database updated and current through 2011 Wis. Act 15 and April 30, 2011, except 2011 Wis. Act 10 was not in effect on April 30, 2011 and is not included in this update. ( See order dated March 31, 2011 in Dane County Circuit Court Case No. 2011-0562, JRS, DPW, RMD, Filed 03/31/11, Page 19 of 57. Statutory changes effective after 5-1-11 are designated by NOTES. See Are The Statutes on this Website Official?

Electronic reproduction of 2009-10 Wis. Stats. database, current through 2011 Wis. Act 15 and April 30, 2011.

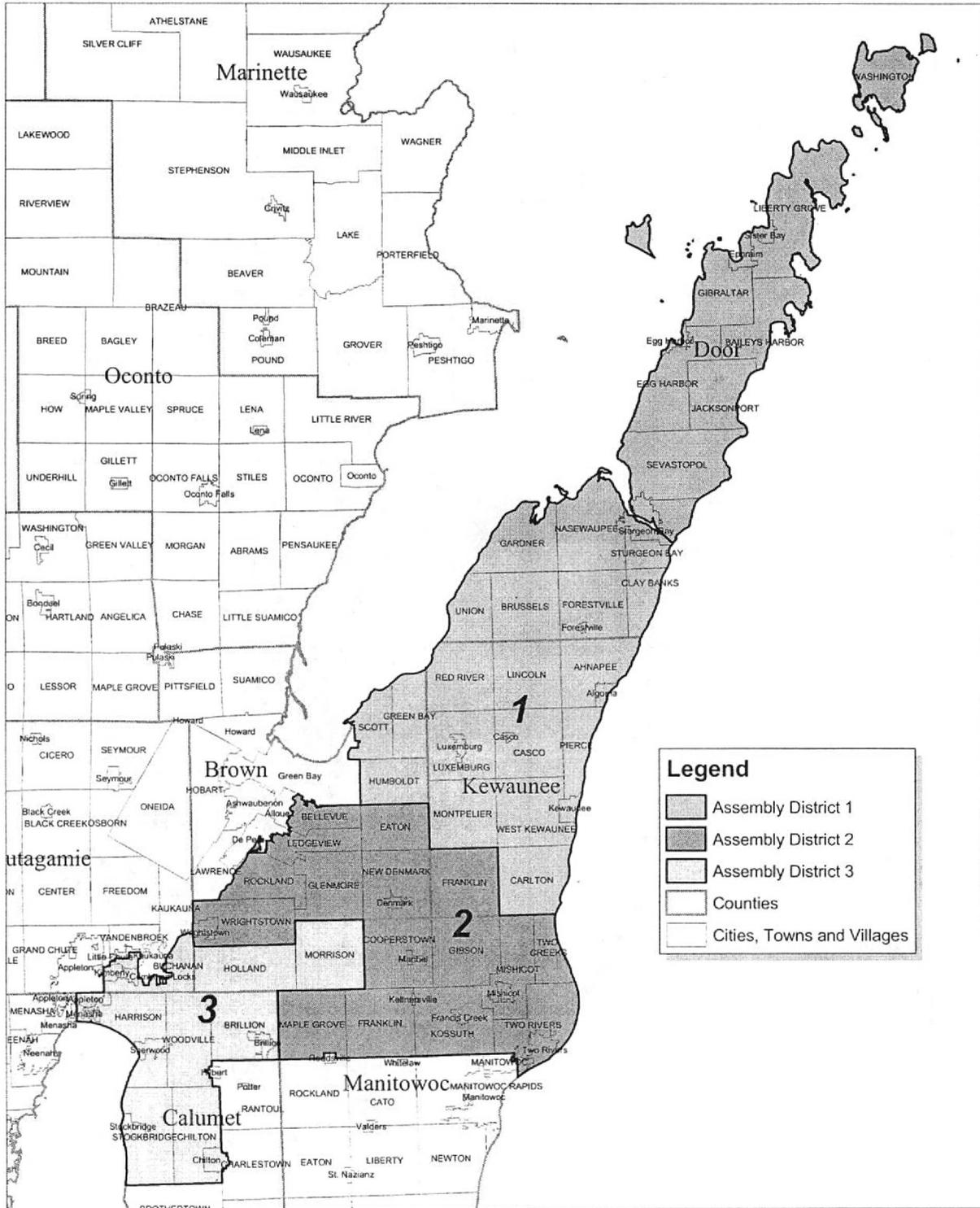
4.005

LEGISLATIVE DISTRICTS

Updated 09-10 Wis. Stats. Database

18

SENATE DISTRICT 1
ASSEMBLY DISTRICTS 1, 2, AND 3

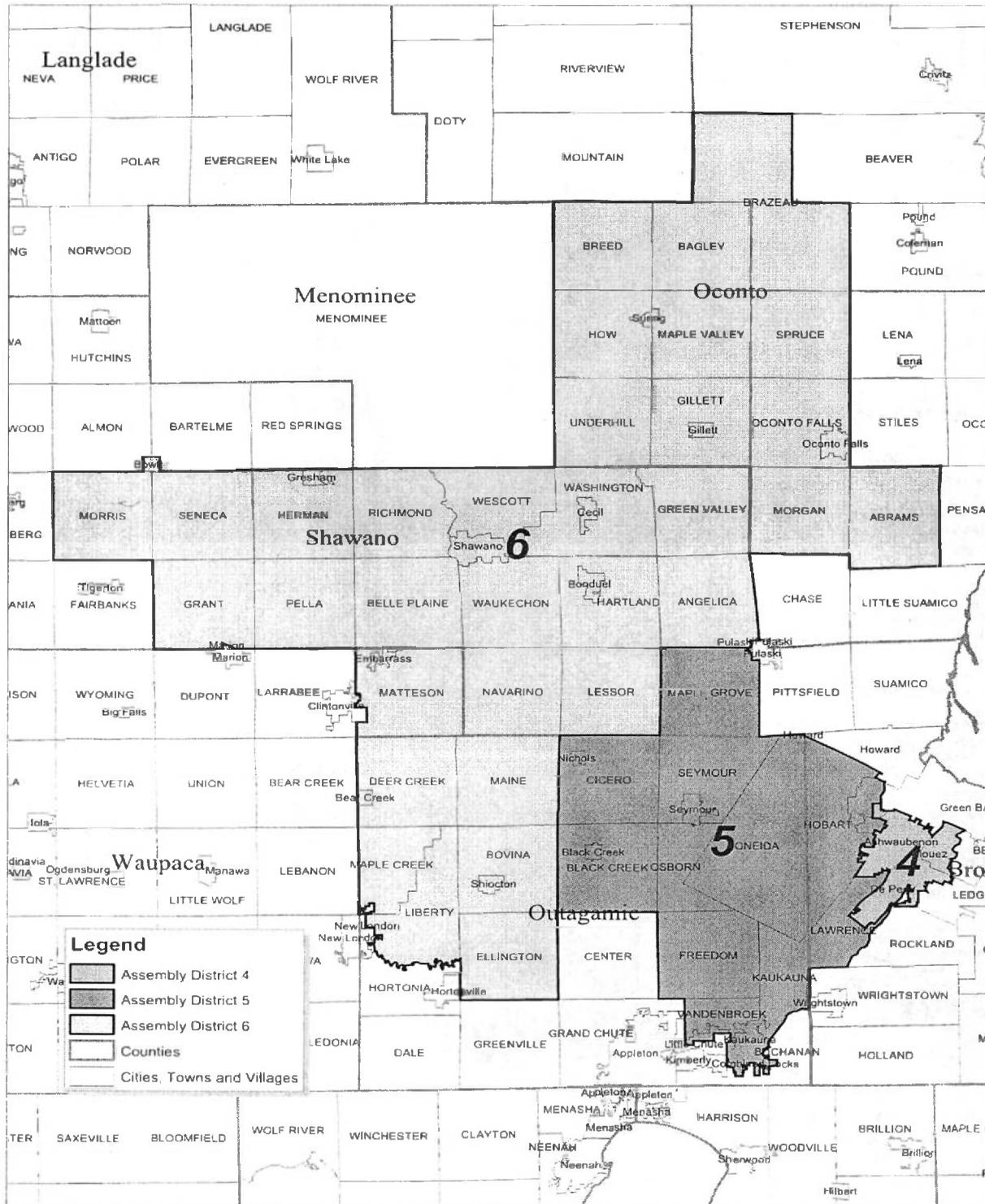


Districts as created by the Federal Court Redistricting Decision dated May 22, 2002. Districts are effective as of May 30, 2002.

2009-10 Wis. Stats. database updated and current through 2011 Wis. Act 15 and April 30, 2011, except 2011 Wis. Act 10 was not in effect on April 30, 2011 and is not included in this update. ( See order dated March 31, 2011 in Dane County Circuit Court Case No. 2011-00562-JPG-DPW-RMD, Filed 06/10/11 Page 10 of 51 Document 1-1 after 5-1-11 are designated by NOTES. See Are The Statutes on this Website Official?

Electronic reproduction of 2009-10 Wis. Stats. database, current through 2011 Wis. Act 15 and April 30, 2011.

# SENATE DISTRICT 2 ASSEMBLY DISTRICTS 4, 5, AND 6



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002. Districts are effective as of May 30, 2002.

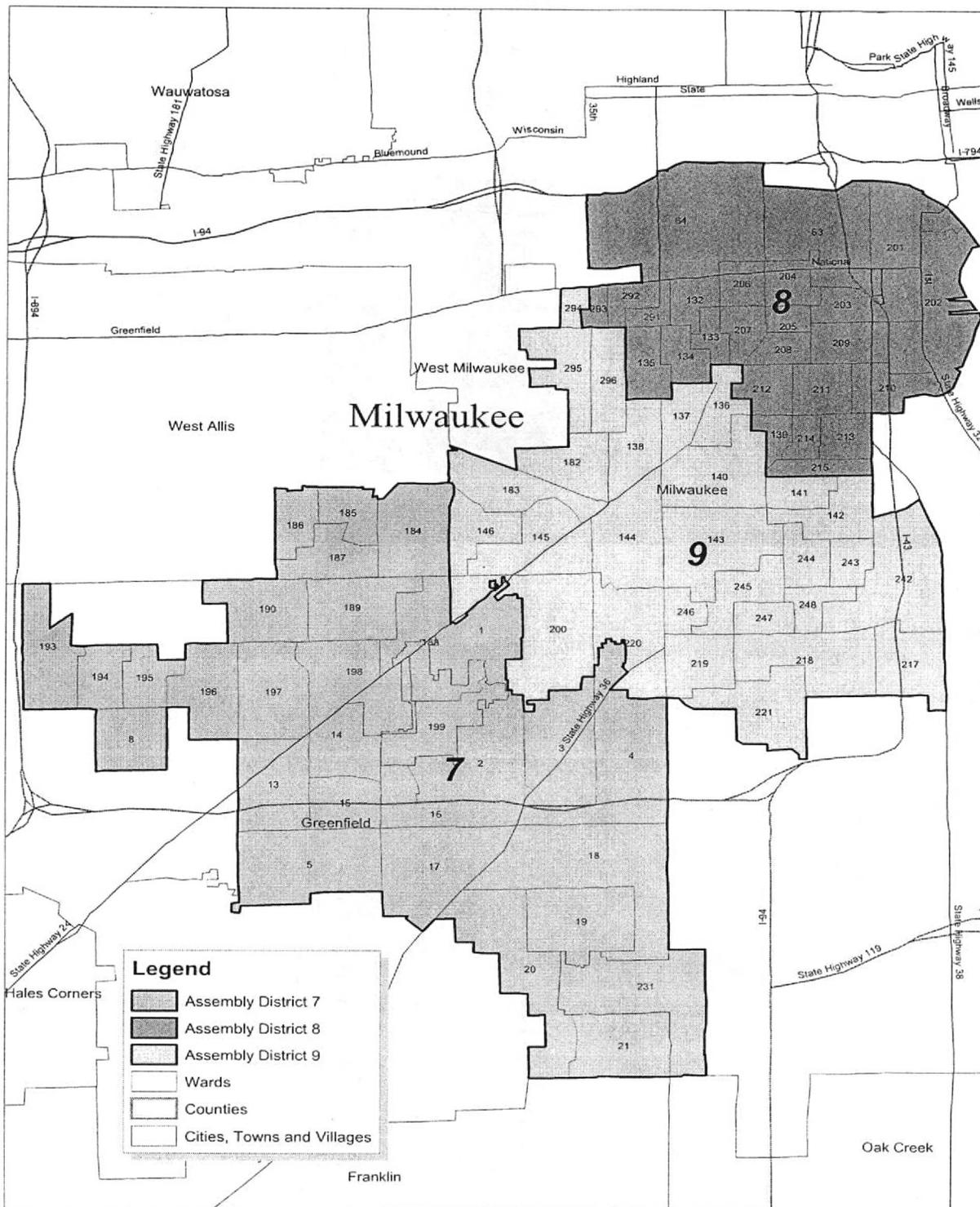
2009-10 Wis. Stats. database updated and current through 2011 Wis. Act 15 and April 30, 2011, except 2011 Wis. Act 10 was not in effect on April 30, 2011 and is not included in this update. ( See order dated March 31, 2011 in Dane County Circuit Court Case No. 2011-00562-JPS-DPW-RMD - Filed 06/10/11 Page 20 of 52 Statutory changes effective after 5-1-11 are designated by NOTES. See Are The Statutes on this Website Official?

Electronic reproduction of 2009-10 Wis. Stats. database, current through 2011 Wis. Act 15 and April 30, 2011.

4.005 LEGISLATIVE DISTRICTS

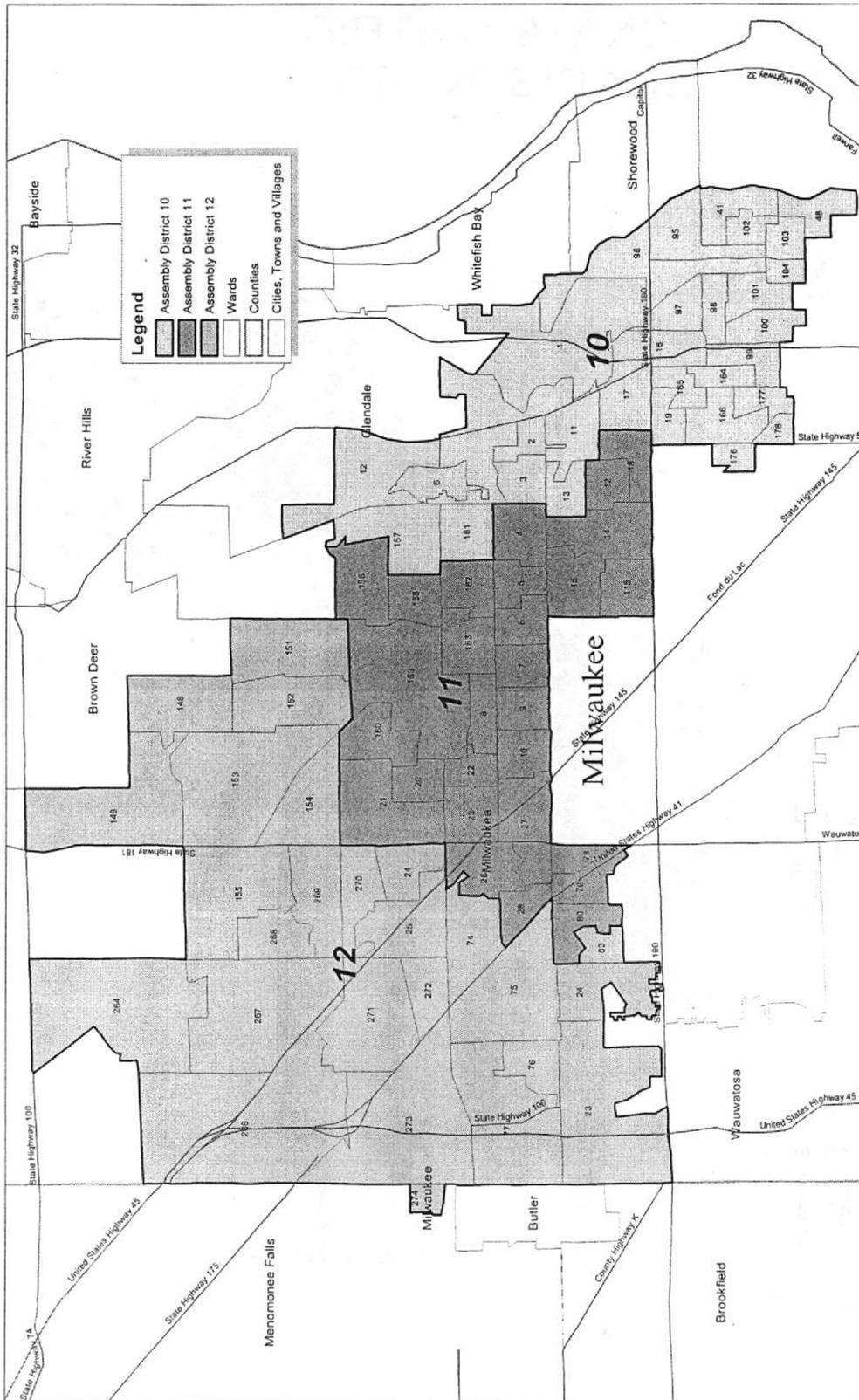
Updated 09-10 Wis. Stats. Database 20

# SENATE DISTRICT 3 ASSEMBLY DISTRICTS 7, 8, AND 9



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002.  
Districts are effective as of May 30, 2002.

SENATE DISTRICT 4  
ASSEMBLY DISTRICTS 10, 11, AND 12



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002.  
Districts are effective as of May 30, 2002.

Electronic reproduction of 2009-10 Wis. Stats. database, current through 2011 Wis. Act 15 and April 30, 2011.

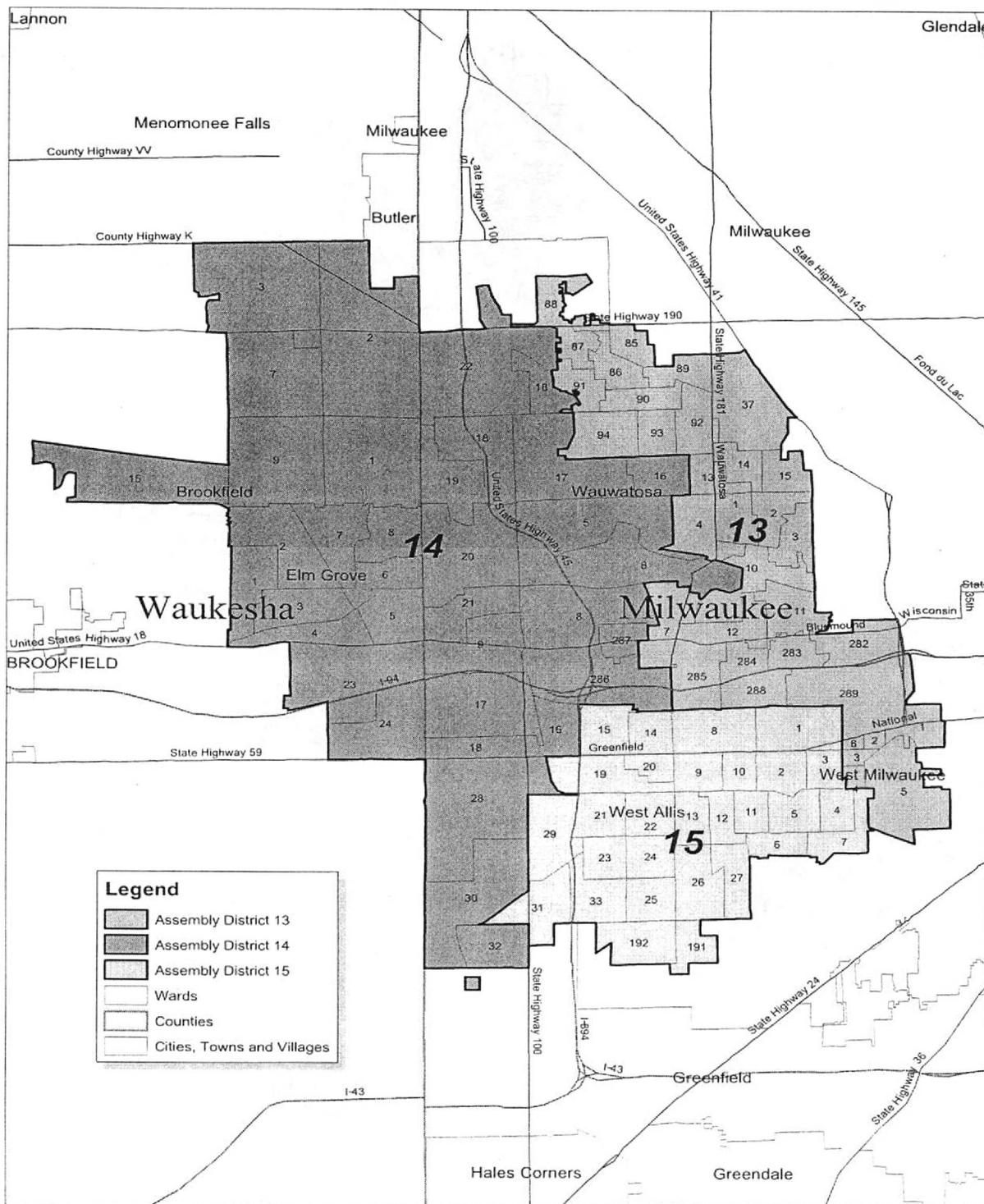
4.005

LEGISLATIVE DISTRICTS

Updated 09-10 Wis. Stats. Database

22

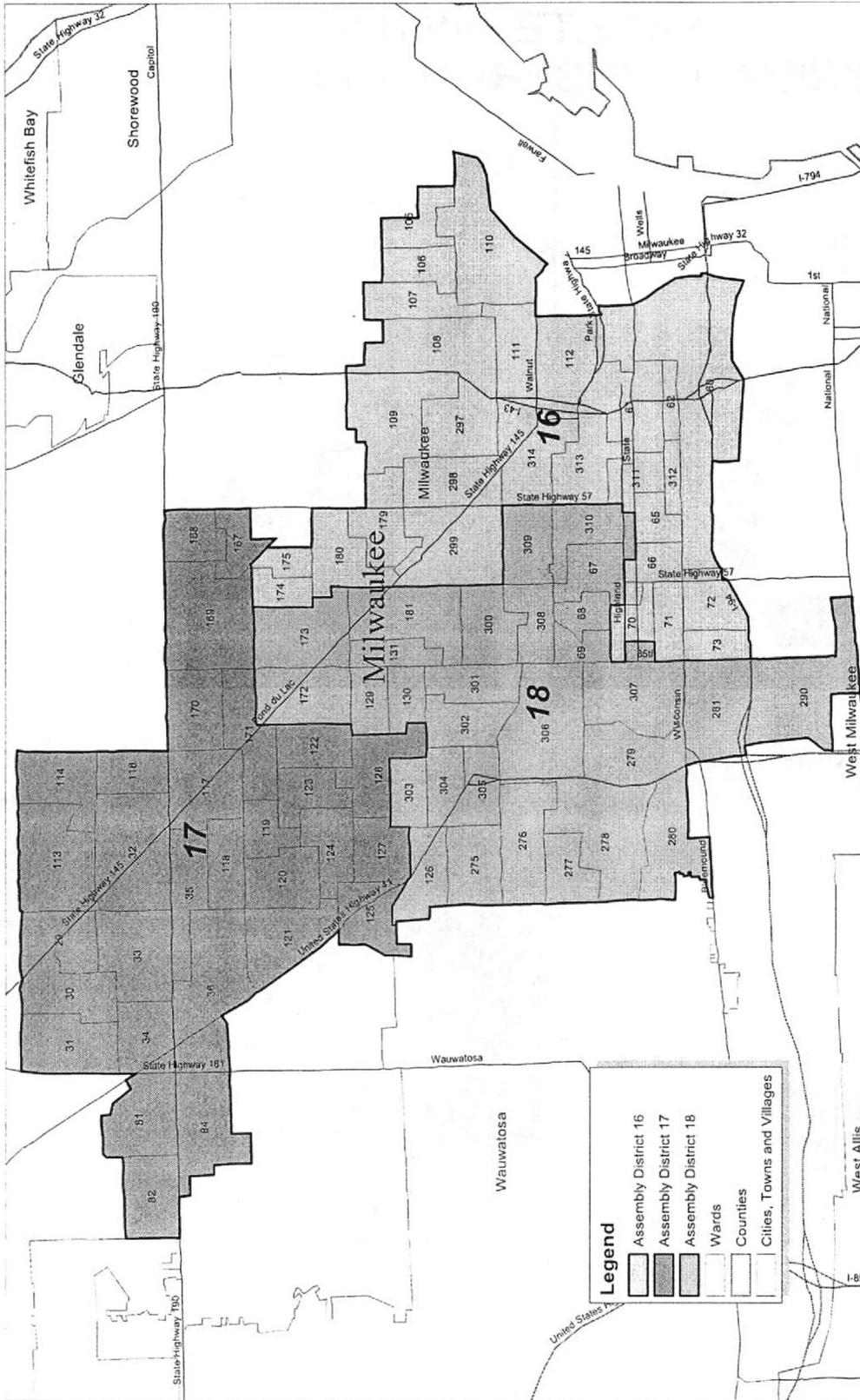
# SENATE DISTRICT 5 ASSEMBLY DISTRICTS 13, 14, AND 15



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002.  
Districts are effective as of May 30, 2002.

2009-10 Wis. Stats. database updated and current through 2011 Wis. Act 15 and April 30, 2011, except 2011 Wis. Act 10 was not in effect on April 30, 2011 and is not included in this update. ( See order dated March 31, 2011 in Dane County Circuit Court Case No. Case 24) <http://www.wisconsin.gov/courts/circuit/circuit24> ) See also <http://www.wisconsin.gov/courts/circuit/circuit24> for information on the effect of the court's decision on the effective date of the statutes after 5-1-11 are designated by NOTES. See Are The Statutes on this Website Official?

SENATE DISTRICT 6  
ASSEMBLY DISTRICTS 16, 17, AND 18



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002.  
Districts are effective as of May 30, 2002.

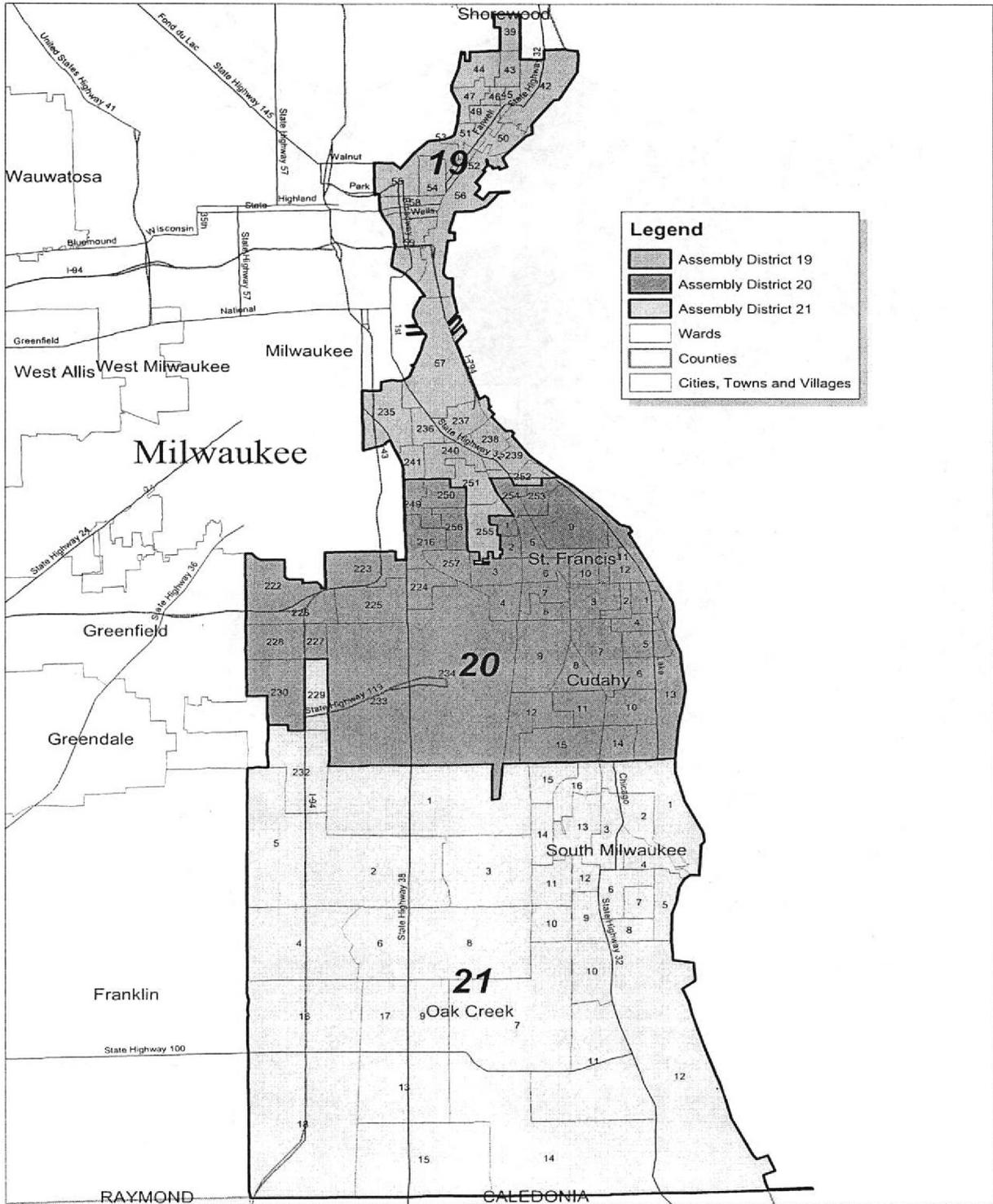
Electronic reproduction of 2009-10 Wis. Stats. database, current through 2011 Wis. Act 15 and April 30, 2011.

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LEGISLATIVE DISTRICTS

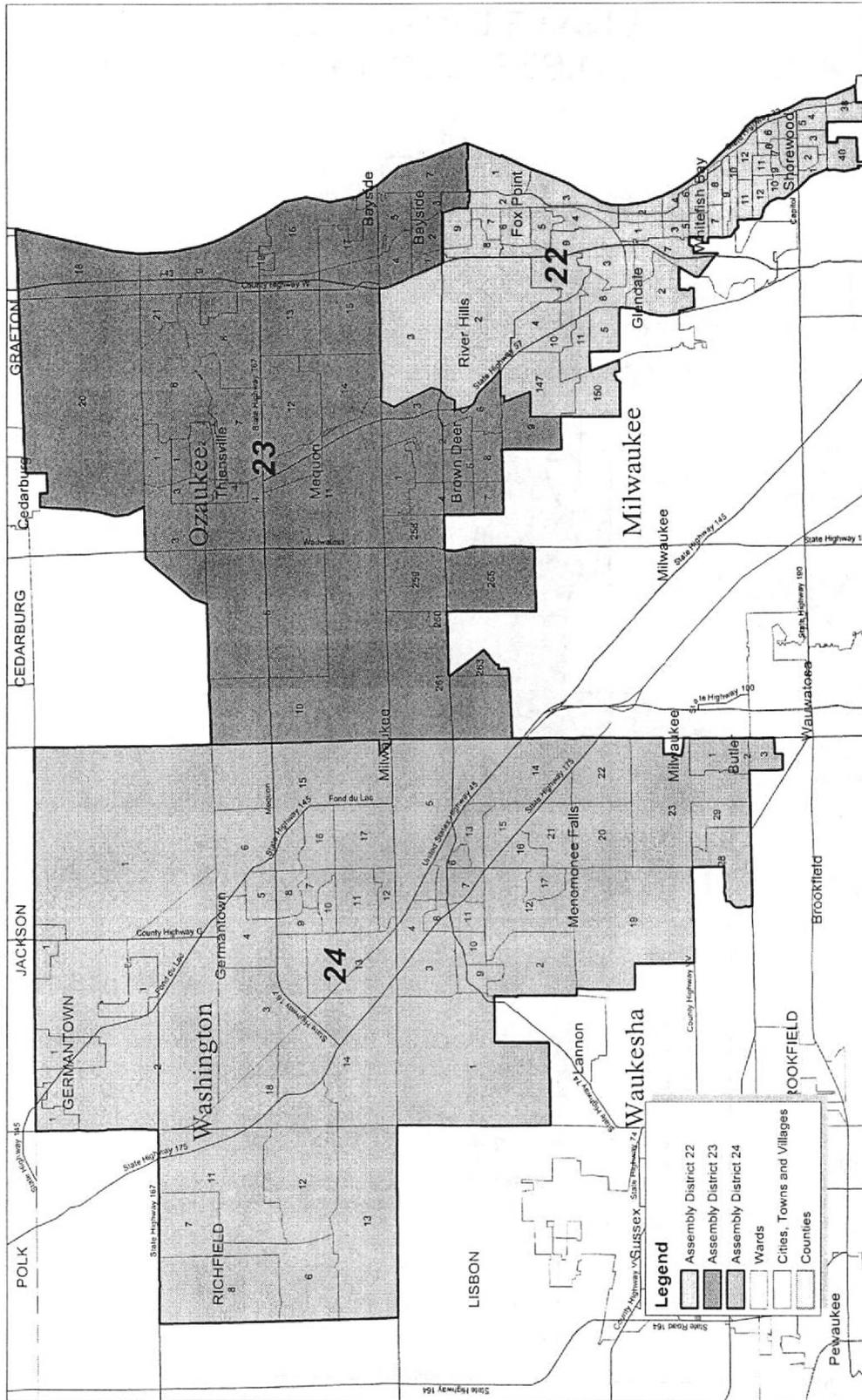
Updated 09-10 Wis. Stats. Database 24

# SENATE DISTRICT 7 ASSEMBLY DISTRICTS 19, 20, AND 21



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002.  
Districts are effective as of May 30, 2002.

SENATE DISTRICT 8  
ASSEMBLY DISTRICTS 22, 23, AND 24



**Legend**

- Assembly District 22
- Assembly District 23
- Assembly District 24
- Wards
- Cities, Towns and Villages
- Counties

Districts as created by the Federal Court Redistricting Decision dated May 22, 2002. Districts are effective as of May 30, 2002.

Electronic reproduction of 2009-10 Wis. Stats. database, current through 2011 Wis. Act 15 and April 30, 2011.

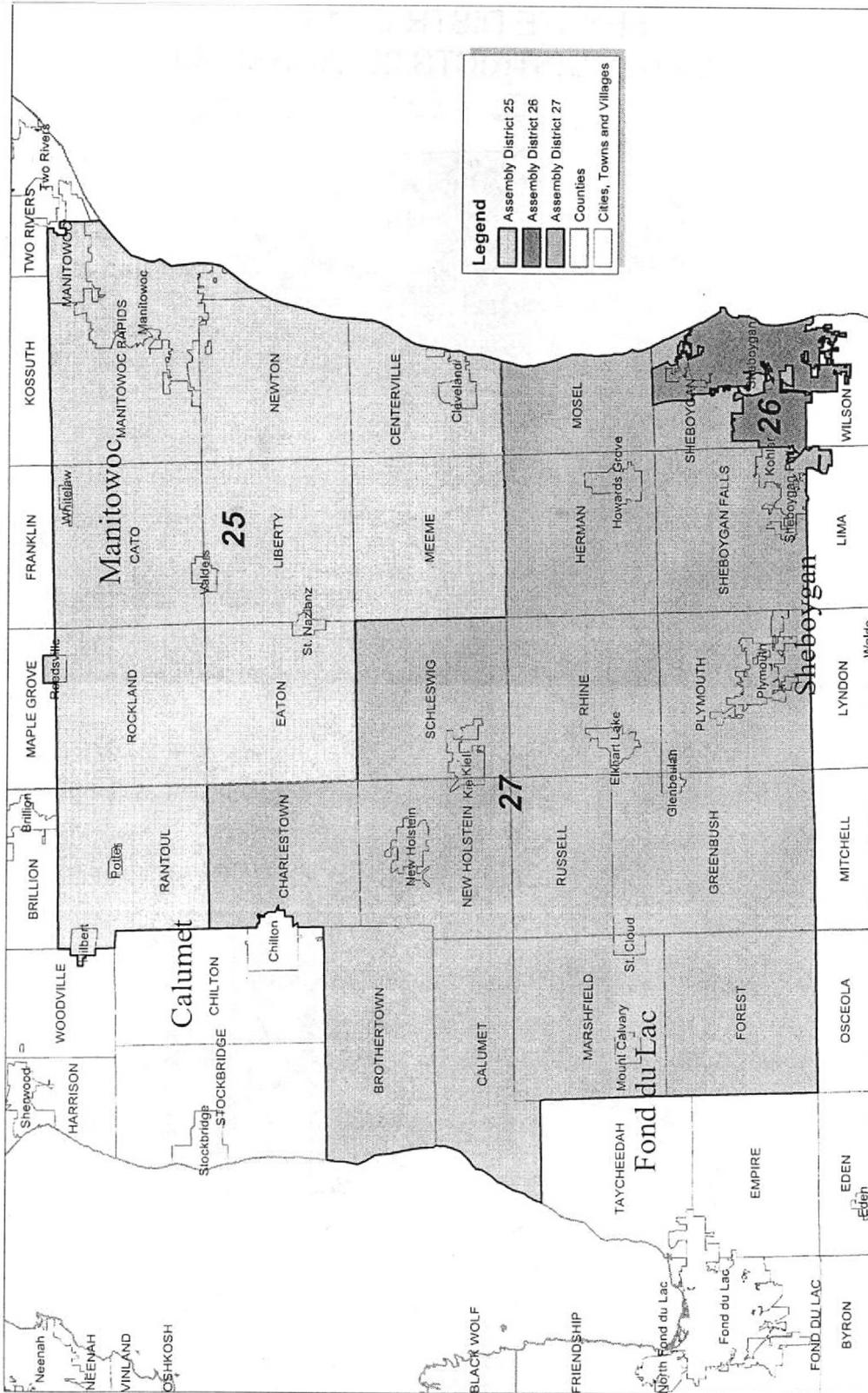
4.005

LEGISLATIVE DISTRICTS

Updated 09-10 Wis. Stats. Database

26

SENATE DISTRICT 9  
ASSEMBLY DISTRICTS 25, 26, AND 27

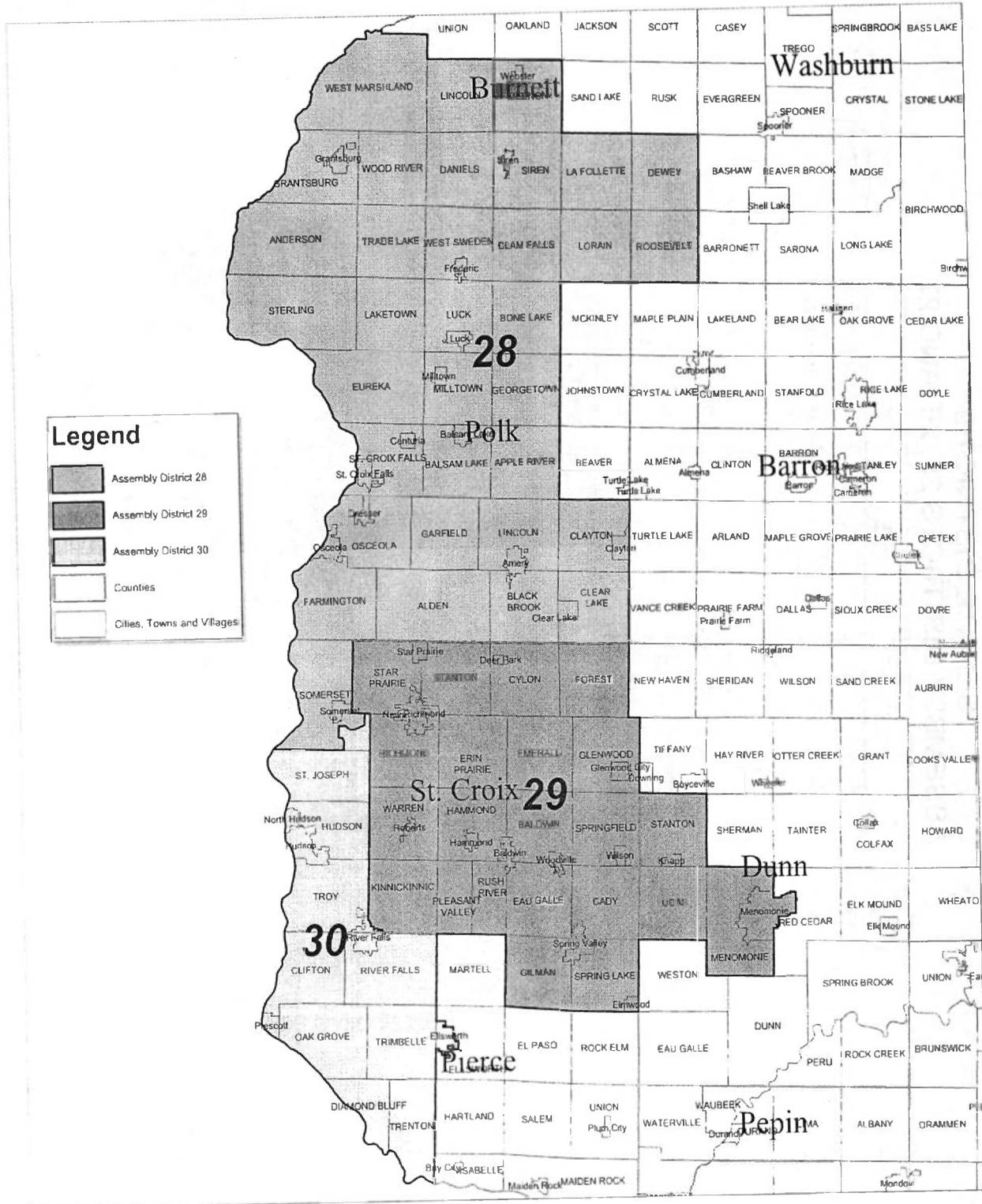


Districts as created by the Federal Court Redistricting Decision dated May 22, 2002.  
Districts are effective as of May 30, 2002.

2009-10 Wis. Stats. database updated and current through 2011 Wis. Act 15 and April 30, 2011, except 2011 Wis. Act 10 was not in effect on April 30, 2011 and is not included in this update. (See order dated March 31, 2011 in Dane County Circuit Court Case No. 09-00562-CP, DPW/RMD, filed 06/10/11, Page 27 of 55. Statutory Documents are effective after 5-1-11 are designated by NOTES. See Are The Statutes on this Website Official?

Electronic reproduction of 2009-10 Wis. Stats. database, current through 2011 Wis. Act 15 and April 30, 2011.

### SENATE DISTRICT 10 ASSEMBLY DISTRICTS 28, 29, AND 30



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002.  
Districts are effective as of May 30, 2002.

2009-10 Wis. Stats. database updated and current through 2011 Wis. Act 15 and April 30, 2011, except 2011 Wis. Act 10 was not in effect on April 30, 2011 and is not included in this update. ( See order dated March 31, 2011 in Dane County Circuit Court Case No. 2011-0562 JLG, BWP, RMD, Filed 06/10/11, Page 28 of 51 documents.)  
Case 2:11-0562 JLG-BWP-RMD Document 28-1 Filed 06/10/11 Page 78 of 186  
after 5-1-11 are designated by NOTES. See Are The Statutes on this Website Official?

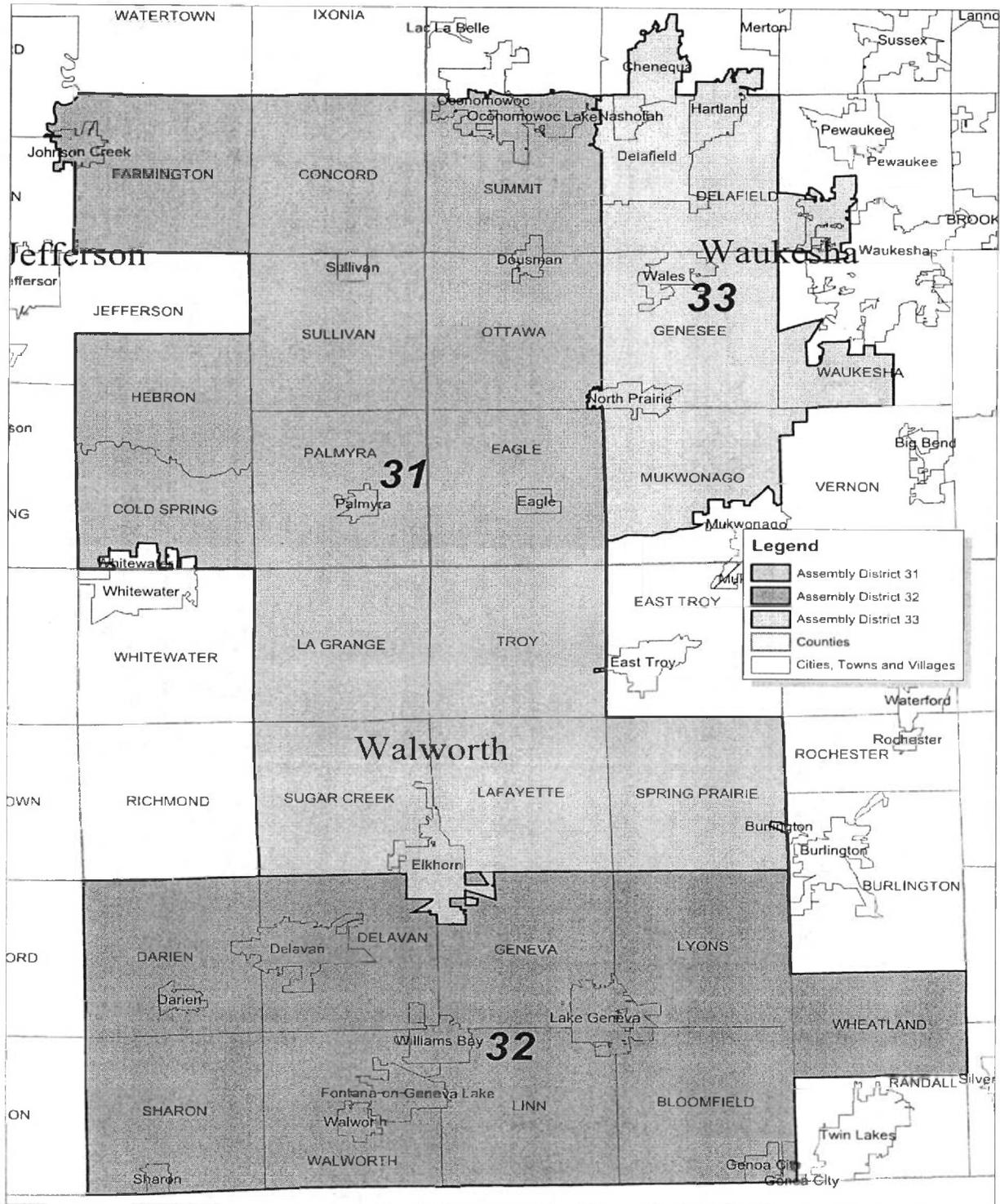
Electronic reproduction of 2009-10 Wis. Stats. database, current through 2011 Wis. Act 15 and April 30, 2011.

4.005

LEGISLATIVE DISTRICTS

Updated 09-10 Wis. Stats. Database 28

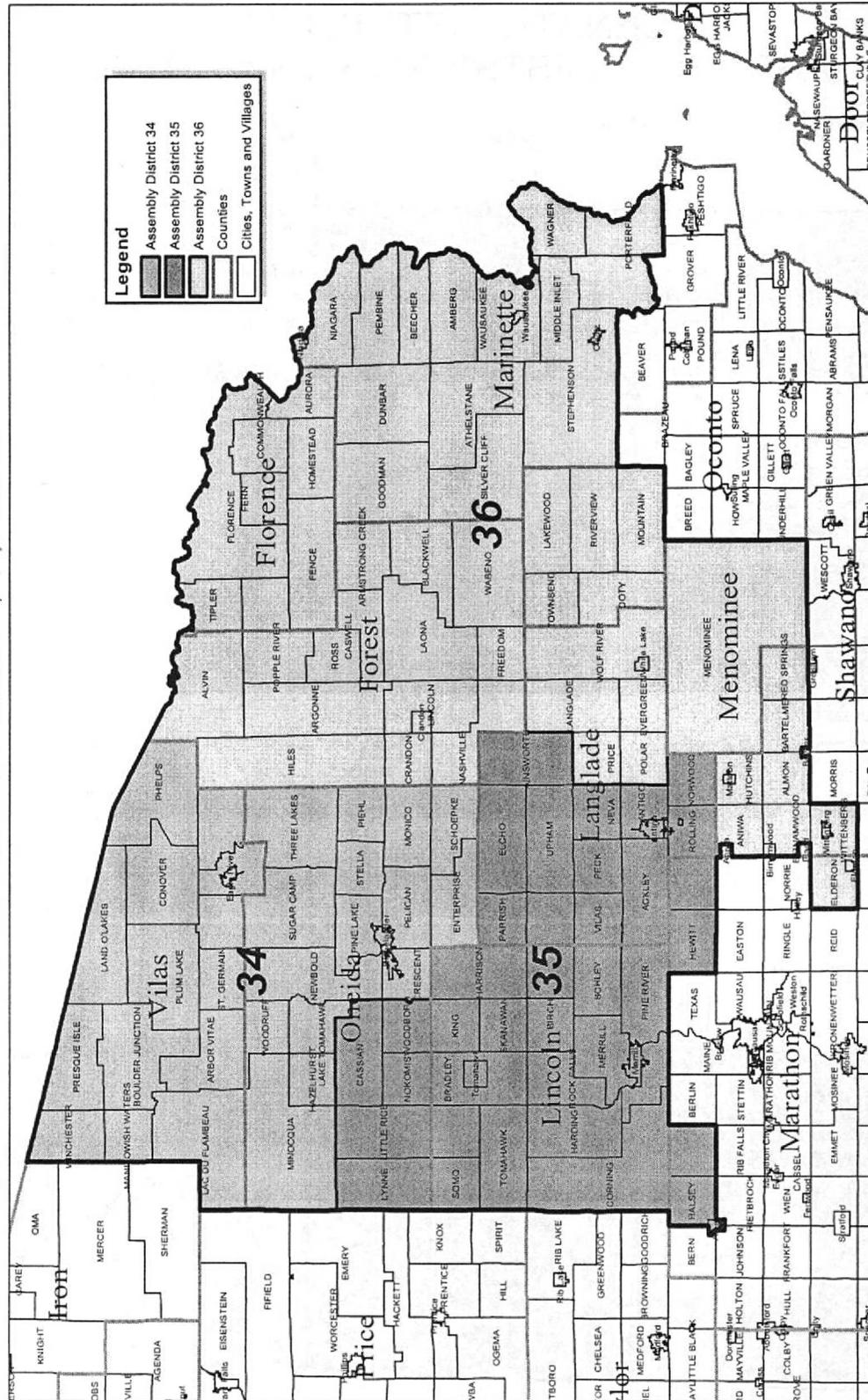
# SENATE DISTRICT 11 ASSEMBLY DISTRICTS 31, 32, AND 33



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002.  
Districts are effective as of May 30, 2002.

2009-10 Wis. Stats. database updated and current through 2011 Wis. Act 15 and April 30, 2011, except 2011 Wis. Act 10 was not in effect on April 30, 2011 and is not included in this update. ( See order dated March 31, 2011 in Dane County Circuit Court Case No. 2011CV000562-IP6-DPW-RMD, Filed 06/10/11, Page 20 of 57. Documents are effective after 5-1-11 are designated by NOTES. See Are The Statutes on this Website Official?

SENATE DISTRICT 12  
ASSEMBLY DISTRICTS 34, 35, AND 36



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002. Districts are effective as of May 30, 2002.

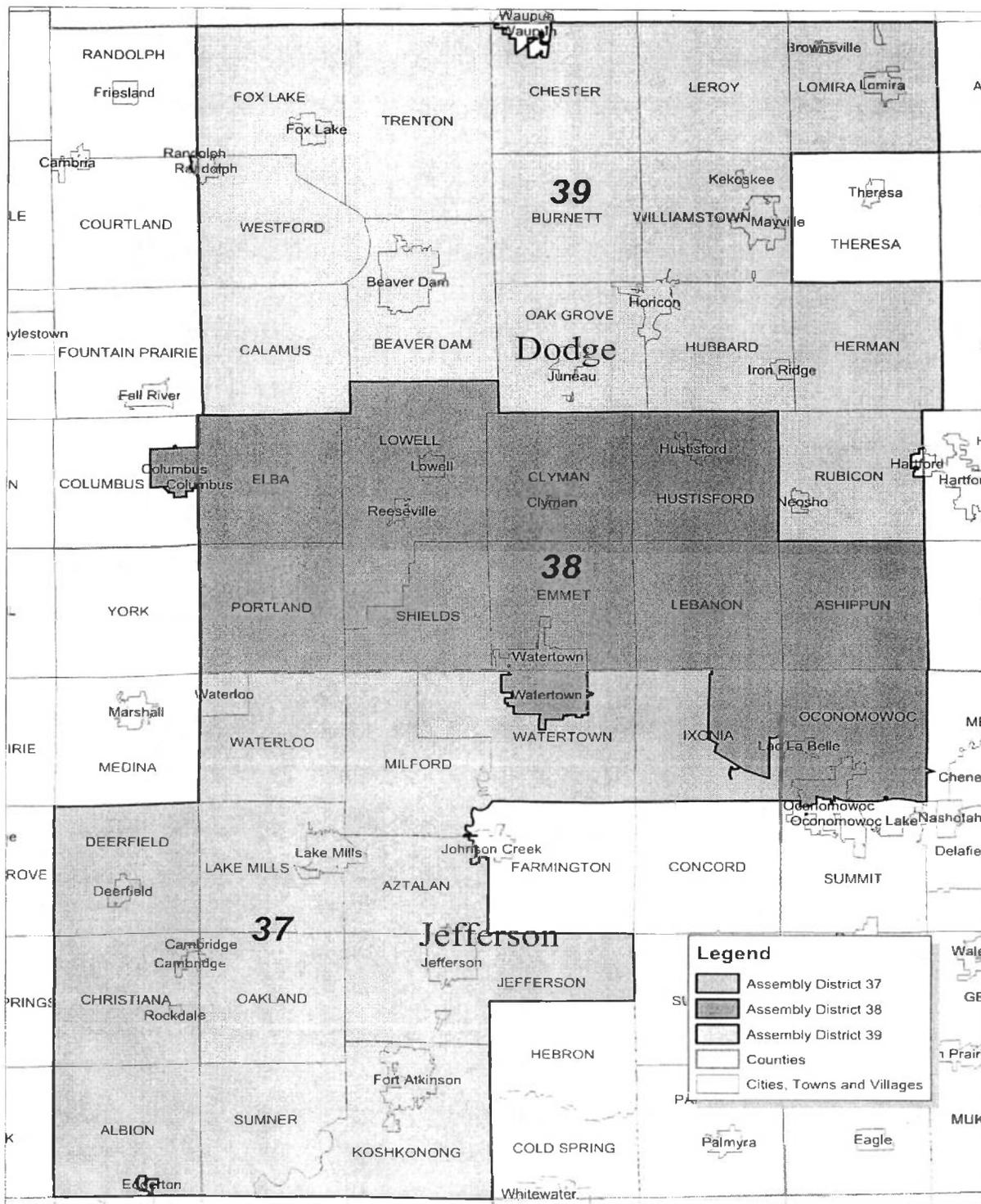
Electronic reproduction of 2009-10 Wis. Stats. database, current through 2011 Wis. Act 15 and April 30, 2011.

4.005

LEGISLATIVE DISTRICTS

Updated 09-10 Wis. Stats. Database 30

SENATE DISTRICT 13
ASSEMBLY DISTRICTS 37, 38, AND 39

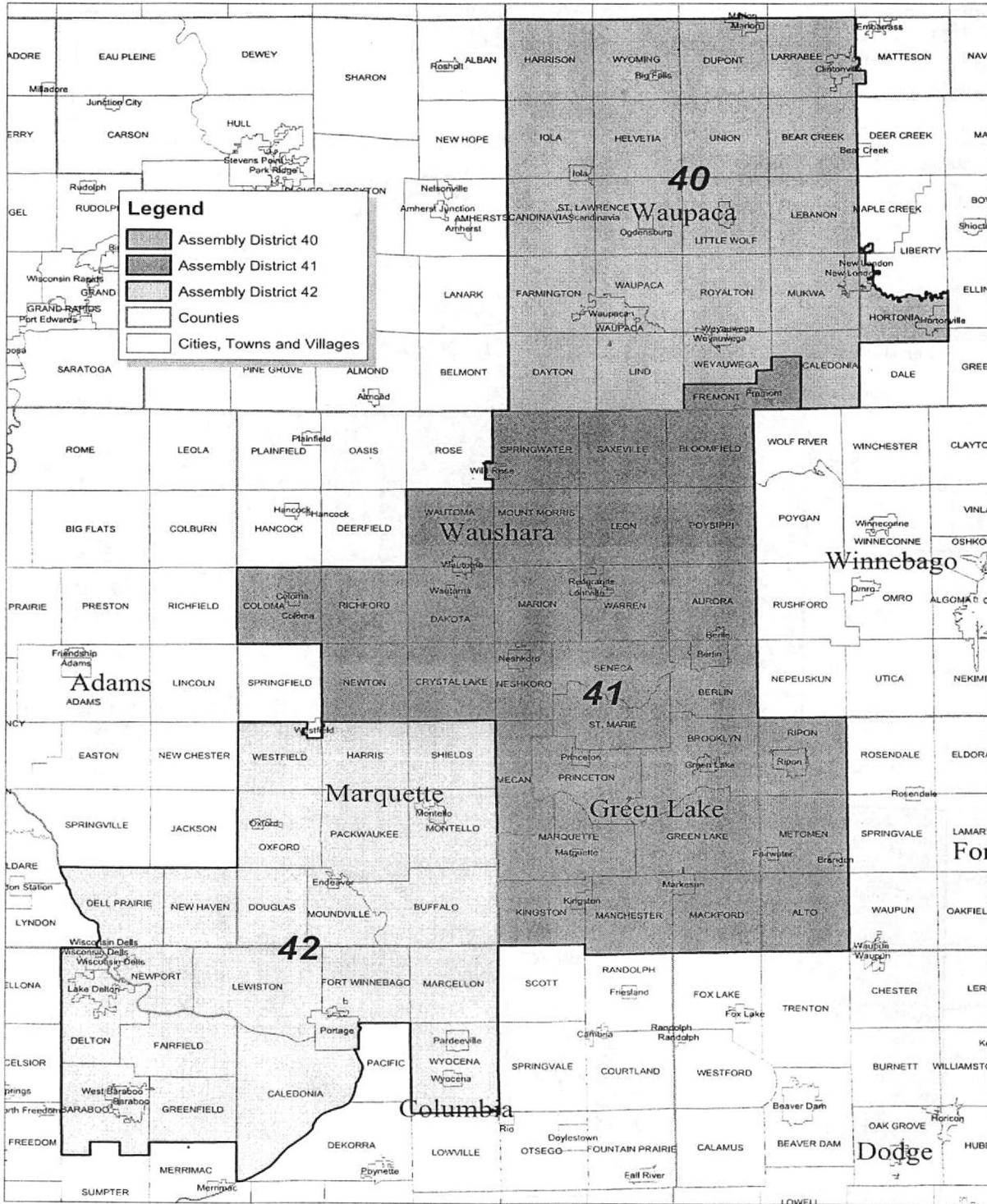


Districts as created by the Federal Court Redistricting Decision dated May 22, 2002. Districts are effective as of May 30, 2002.

2009-10 Wis. Stats. database updated and current through 2011 Wis. Act 15 and April 30, 2011, except 2011 Wis. Act 10 was not in effect on April 30, 2011 and is not included in this update. ( See order dated March 31, 2011 in Dane County Circuit Court Case No. 2011-00562-JRS-DPW-RMD, Filed 06/10/11, Page 21 of 51 Statutory Documents effective after 5-1-11 are designated by NOTES. See Are The Statutes on this Website Official?

Electronic reproduction of 2009-10 Wis. Stats. database, current through 2011 Wis. Act 15 and April 30, 2011.

# SENATE DISTRICT 14 ASSEMBLY DISTRICTS 40, 41, AND 42



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002.  
Districts are effective as of May 30, 2002.

2009-10 Wis. Stats. database updated and current through 2011 Wis. Act 15 and April 30, 2011, except 2011 Wis. Act 10 was not in effect on April 30, 2011 and is not included in this update. ( See order dated March 31, 2011 in Dane County Circuit Court Case No. 2011-0564, State of Wisconsin vs. DPW, PWD, 5 Herd, 06/10/11, if change 32 not 51. Statute documents effective after 5-1-11 are designated by NOTES. See Are The Statutes on this Website Official?

Electronic reproduction of 2009-10 Wis. Stats. database, current through 2011 Wis. Act 15 and April 30, 2011.

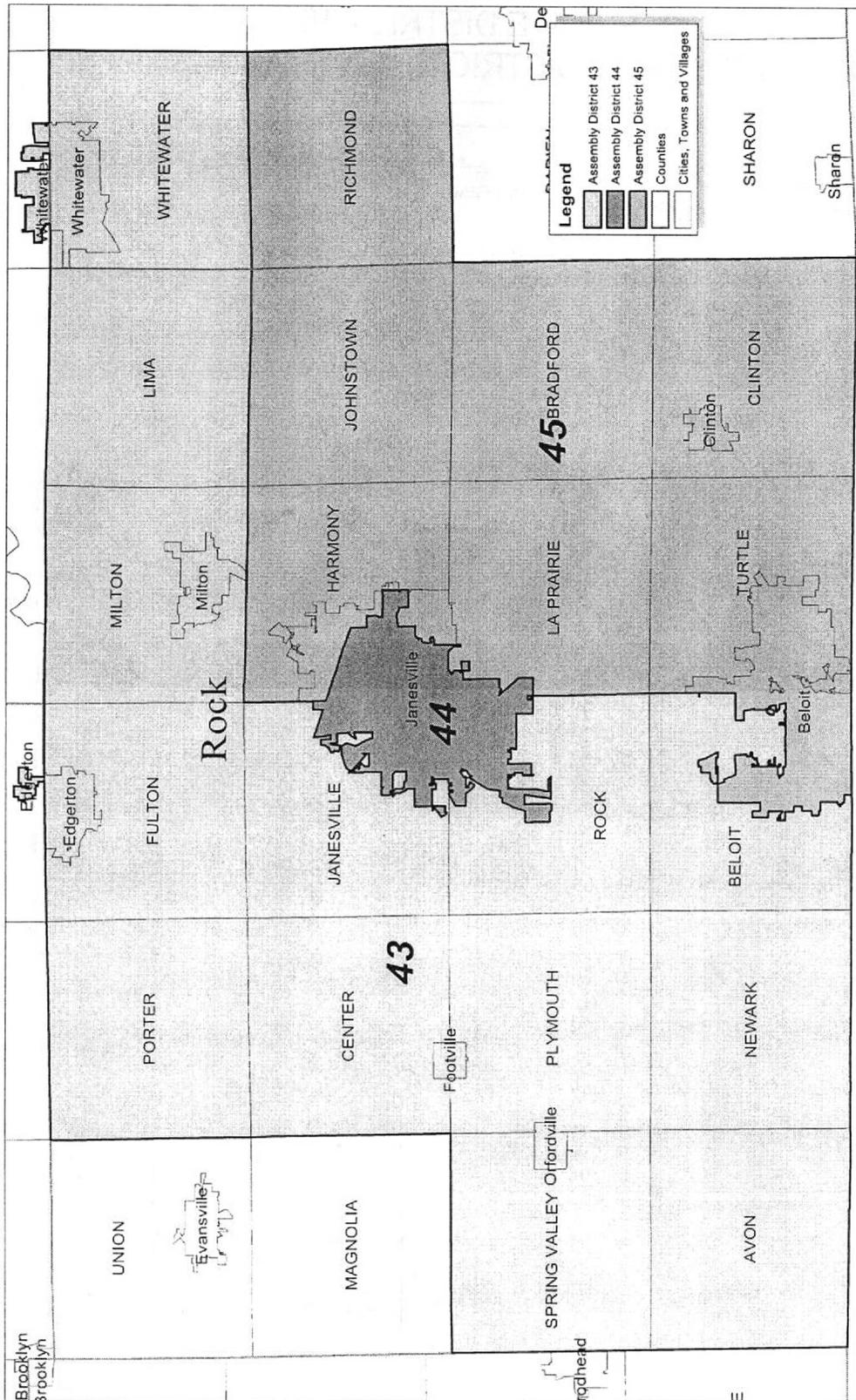
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LEGISLATIVE DISTRICTS

Updated 09-10 Wis. Stats. Database

32

SENATE DISTRICT 15  
ASSEMBLY DISTRICTS 43, 44, AND 45



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002. Districts are effective as of May 30, 2002.

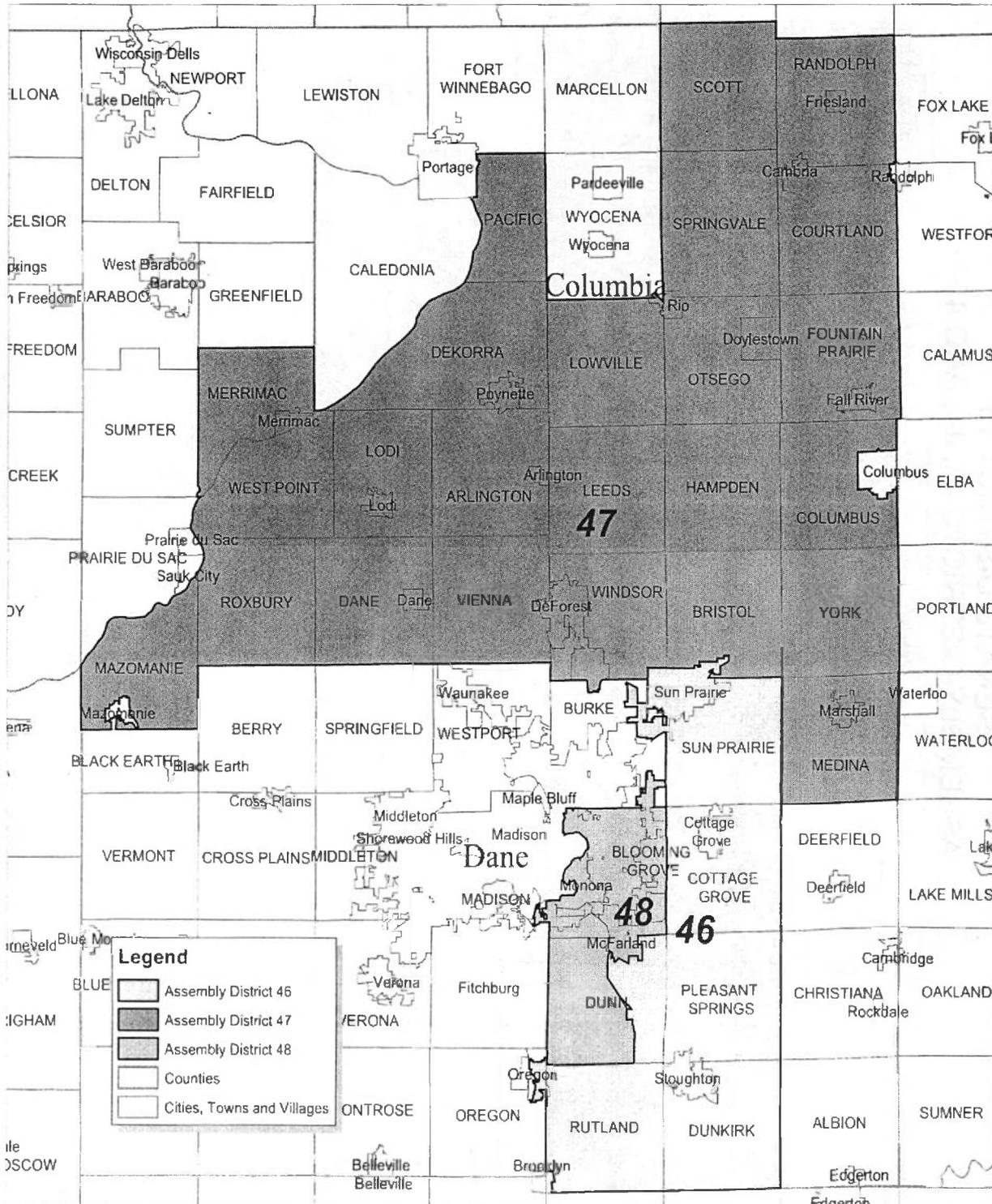
Electronic reproduction of 2009-10 Wis. Stats. database, current through 2011 Wis. Act 15 and April 30, 2011.

33 Updated 09-10 Wis. Stats. Database

LEGISLATIVE DISTRICTS

4.005

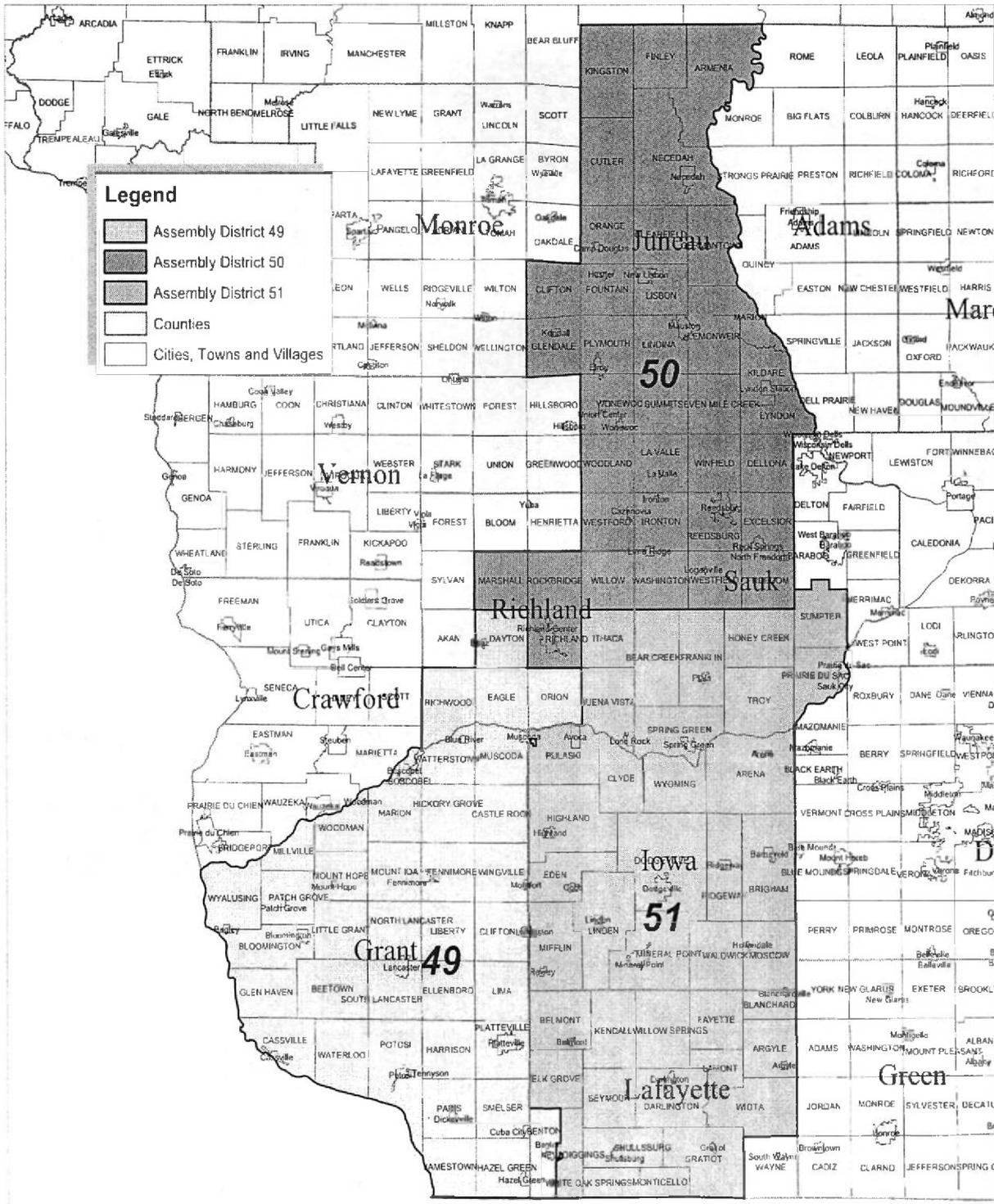
### SENATE DISTRICT 16 ASSEMBLY DISTRICTS 46, 47, AND 48



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002. Districts are effective as of May 30, 2002.

2009-10 Wis. Stats. database updated and current through 2011 Wis. Act 15 and April 30, 2011, except 2011 Wis. Act 10 was not in effect on April 30, 2011 and is not included in this update. ( See order dated March 31, 2011 in Dane County Circuit Court Case No. Case 24) (http://www.wisconsin.gov/legis/legis.htm) If any of the Statutes on this Website are designated by NOTES. See Are The Statutes on this Website Official?

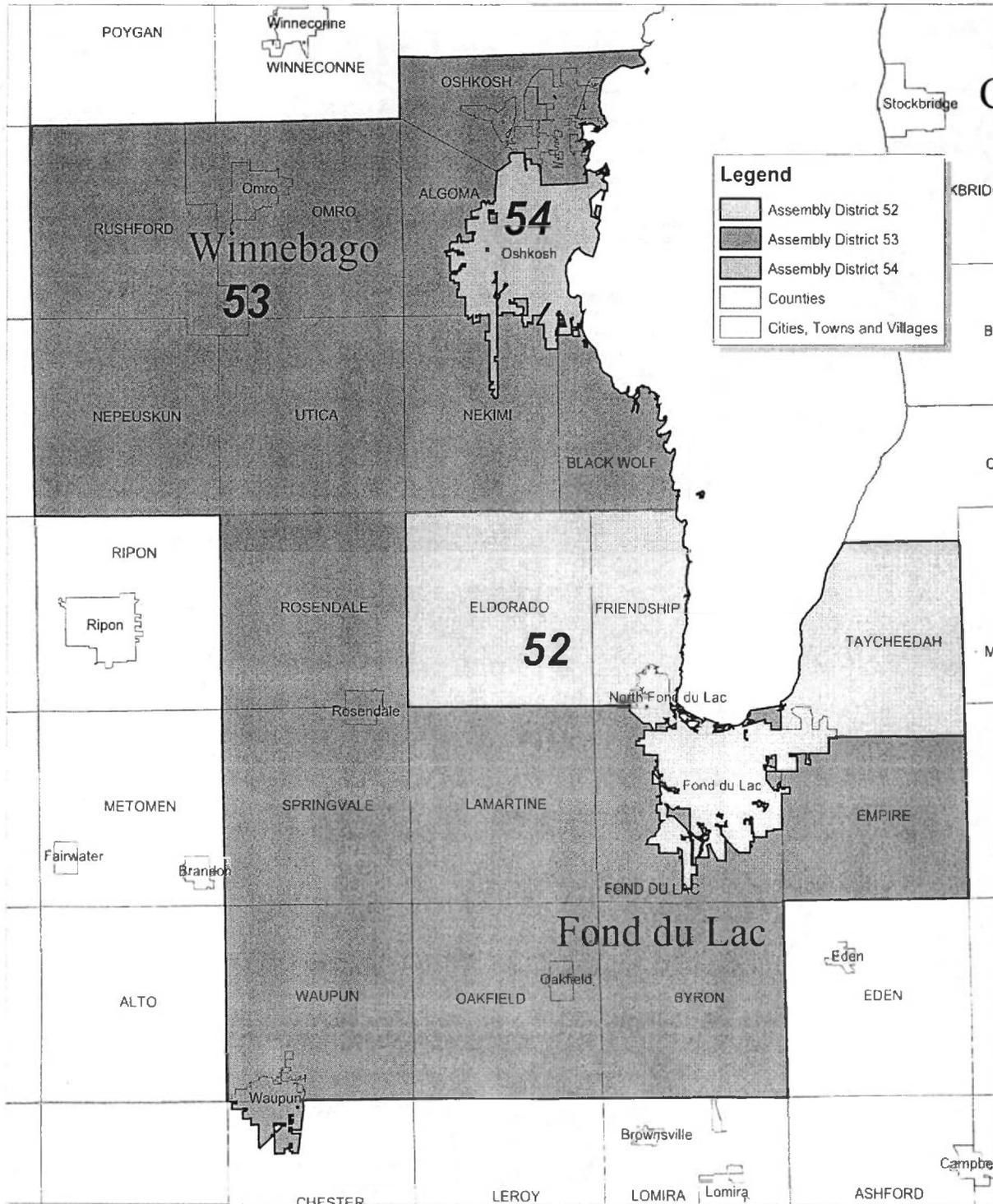
# SENATE DISTRICT 17 ASSEMBLY DISTRICTS 49, 50, AND 51



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002.  
Districts are effective as of May 30, 2002.

2009-10 Wis. Stats. database updated and current through 2011 Wis. Act 15 and April 30, 2011, except 2011 Wis. Act 10 was not in effect on April 30, 2011 and is not included in this update. ( See order dated March 31, 2011 in Dane County Circuit Court Case No. 2011-00563-JPS-DPW-RMD, Filed 06/10/11 Page 35 of 55. Documents effective after 5-1-11 are designated by NOTES. See Are The Statutes on this Website Official?

### SENATE DISTRICT 18 ASSEMBLY DISTRICTS 52, 53, AND 54

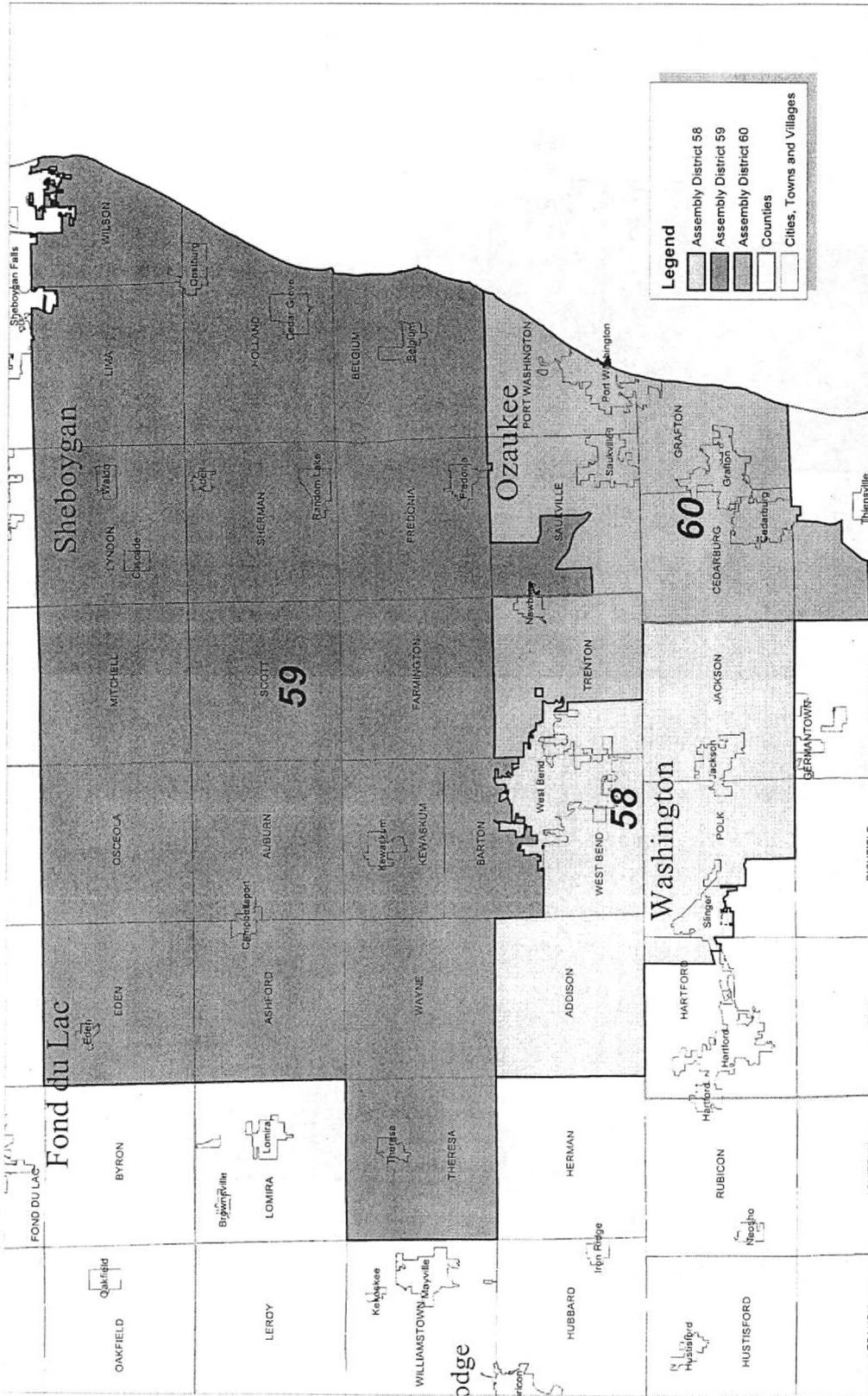


Districts as created by the Federal Court Redistricting Decision dated May 22, 2002.  
Districts are effective as of May 30, 2002.

2009-10 Wis. Stats. database updated and current through 2011 Wis. Act 15 and April 30, 2011, except 2011 Wis. Act 10 was not in effect on April 30, 2011 and is not included in this update. ( See order dated March 31, 2011 in Dane County Circuit Court Case No. Case 2:11cv00056-EPW-RMD Filed 04/01/11 Page 36 of 51 Statutory Documents effective after 5-1-11 are designated by NOTES. See Are The Statutes on this Website Official?



SENATE DISTRICT 20  
ASSEMBLY DISTRICTS 58, 59, AND 60



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002.  
Districts are effective as of May 30, 2002.

Electronic reproduction of 2009-10 Wis. Stats. database, current through 2011 Wis. Act 15 and April 30, 2011.

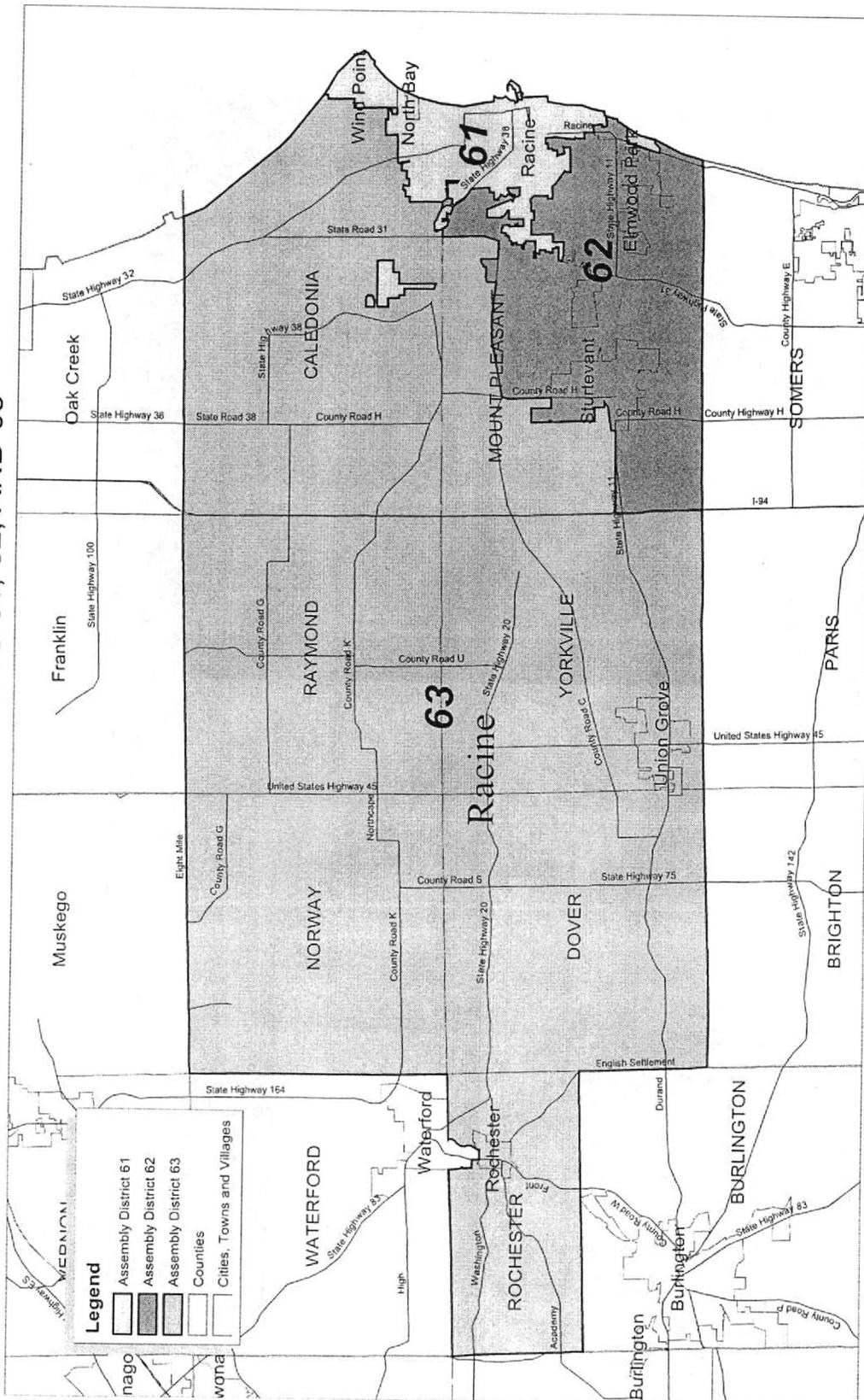
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LEGISLATIVE DISTRICTS

Updated 09-10 Wis. Stats. Database

38

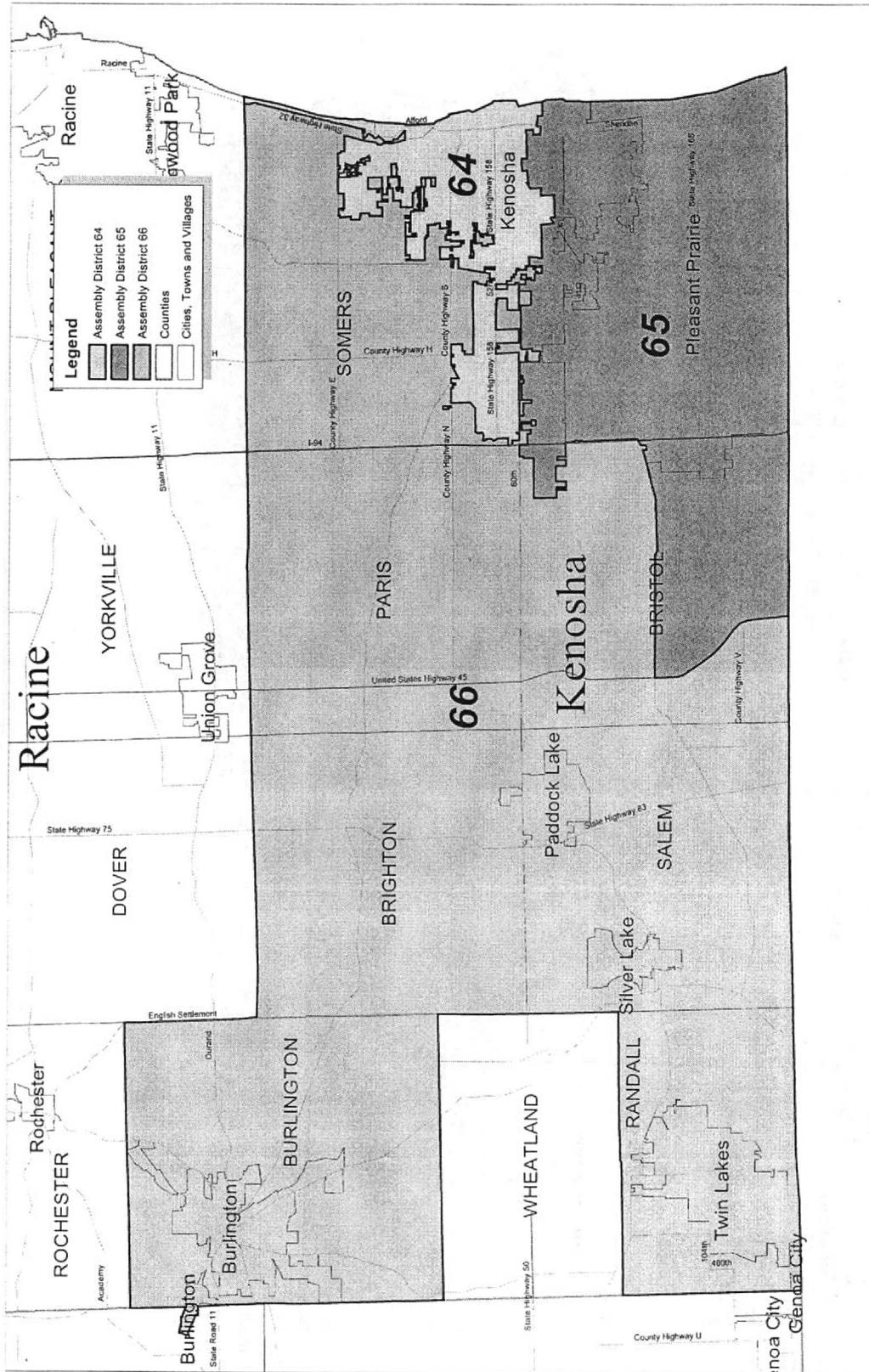
SENATE DISTRICT 21  
ASSEMBLY DISTRICTS 61, 62, AND 63



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002. Districts are effective as of May 30, 2002.

2009-10 Wis. Stats. database updated and current through 2011 Wis. Act 15 and April 30, 2011, except 2011 Wis. Act 10 was not in effect on April 30, 2011 and is not included in this update. ( See order dated March 31, 2011 in Dane County Circuit Court Case No. 2011-00562, JPS-DPW-RMD - Filed April 11, 2011. If change of legislative districts after 5-1-11 are designated by NOTES. See Are The Statutes on this Website Official?

SENATE DISTRICT 22  
ASSEMBLY DISTRICTS 64, 65, AND 66



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002.  
Districts are effective as of May 30, 2002.

2009-10 Wis. Stats. database updated and current through 2011 Wis. Act 15 and April 30, 2011, except 2011 Wis. Act 10 was not in effect on April 30, 2011 and is not included in this update. ( See order dated March 31, 2011 in Dane County Circuit Court Case No. 2011-000562 JPS DPW v. PHD - Filed 04/10/11. Do not take official action on any bills or resolutions that become effective after 5-1-11 are designated by NOTES. See Are The Statutes on this Website Official?

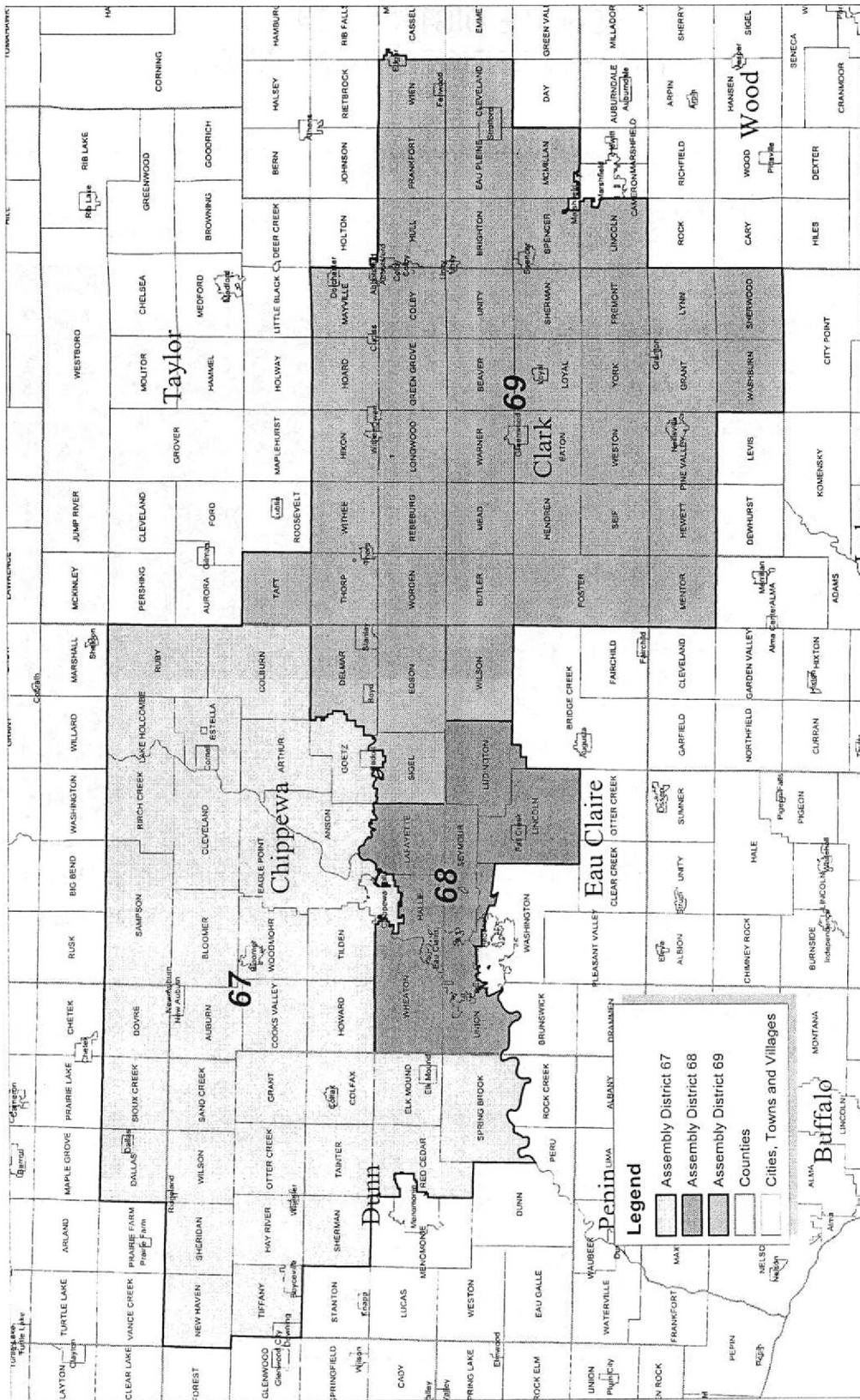
Electronic reproduction of 2009-10 Wis. Stats. database, current through 2011 Wis. Act 15 and April 30, 2011.

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LEGISLATIVE DISTRICTS

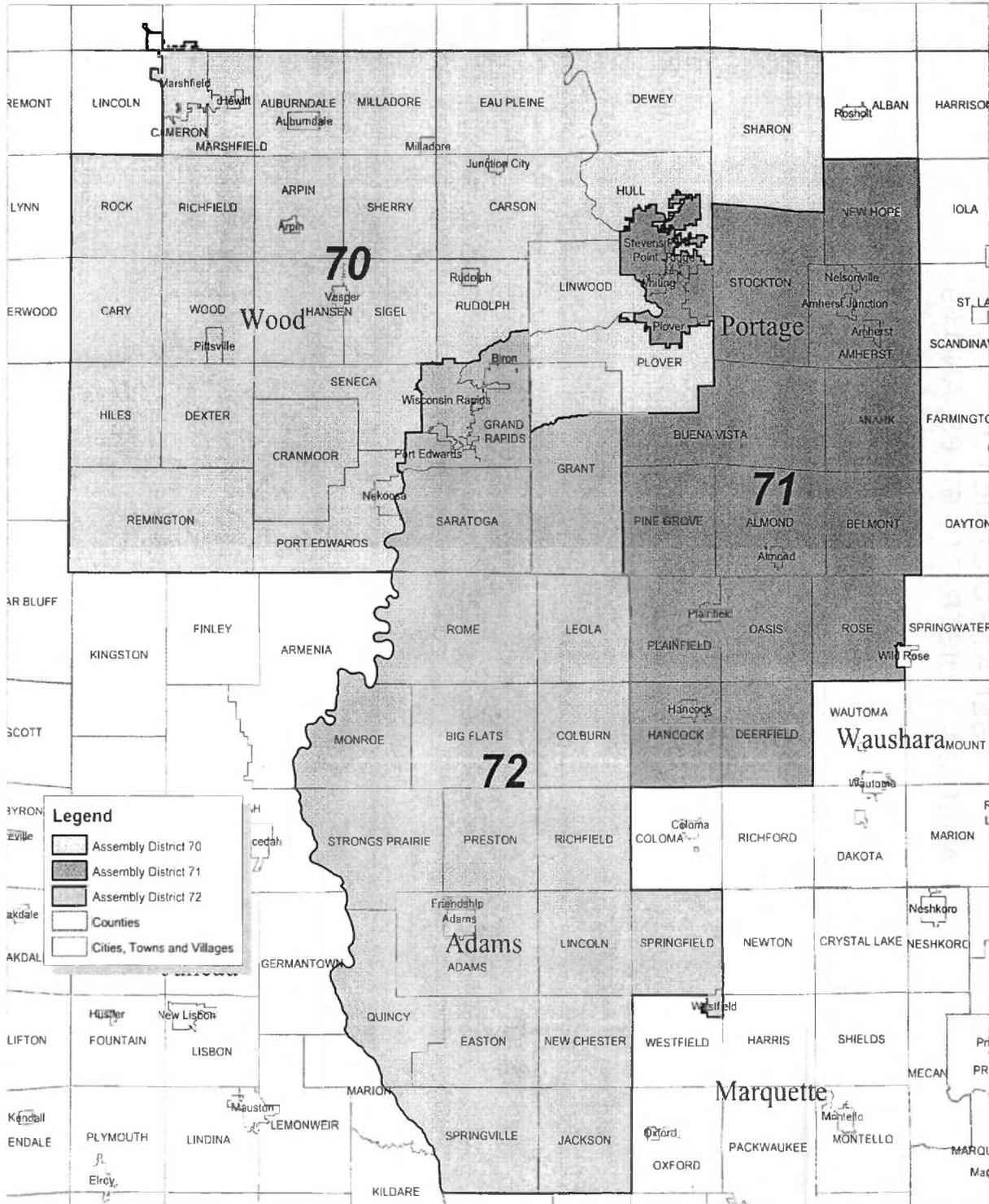
Updated 09-10 Wis. Stats. Database 40

SENATE DISTRICT 23  
ASSEMBLY DISTRICTS 67, 68, AND 69



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002. Districts are effective as of May 30, 2002.

### SENATE DISTRICT 24 ASSEMBLY DISTRICTS 70, 71, AND 72



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002.  
Districts are effective as of May 30, 2002.

Electronic reproduction of 2009-10 Wis. Stats. database, current through 2011 Wis. Act 15 and April 30, 2011.

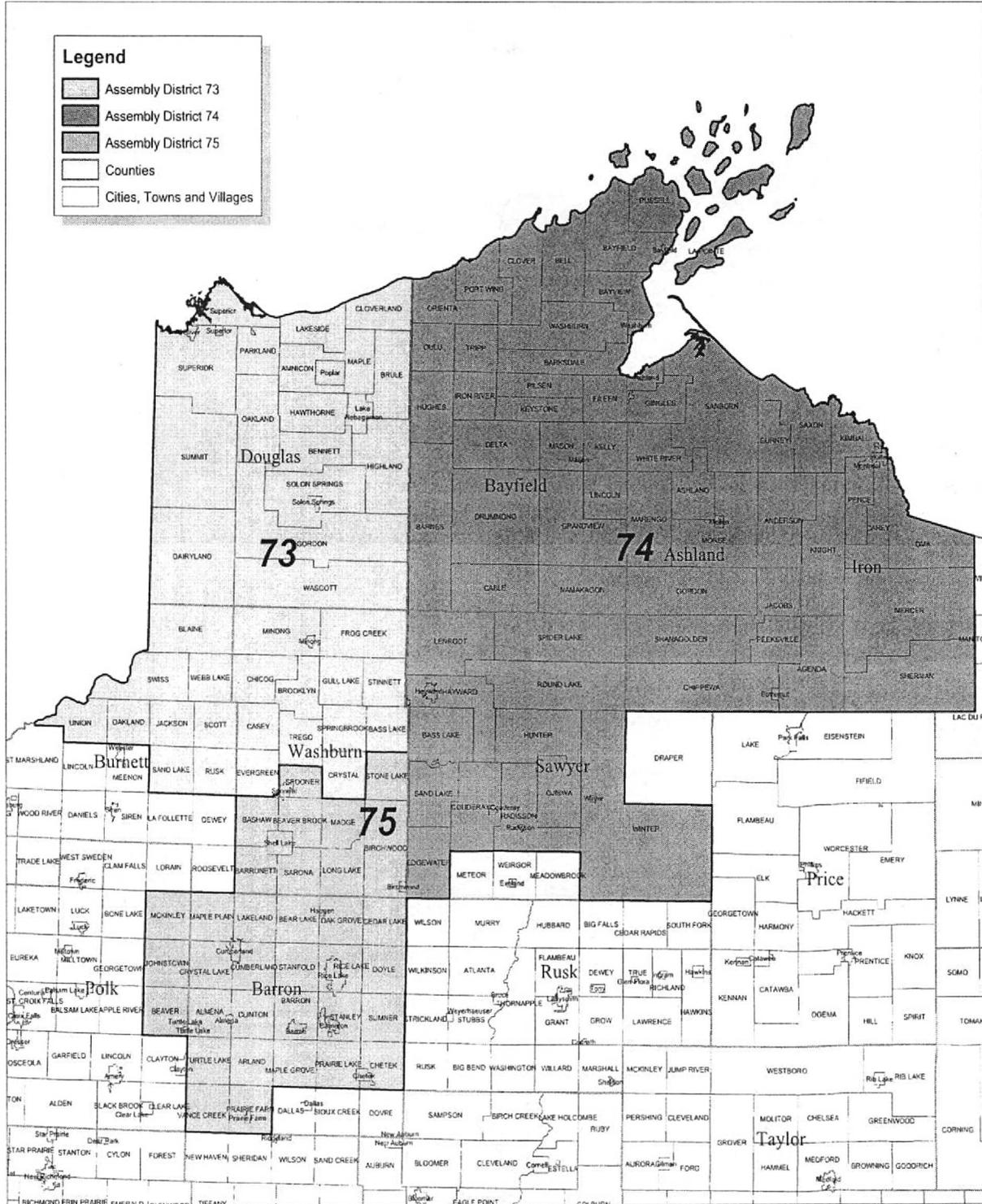
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LEGISLATIVE DISTRICTS

Updated 09-10 Wis. Stats. Database

42

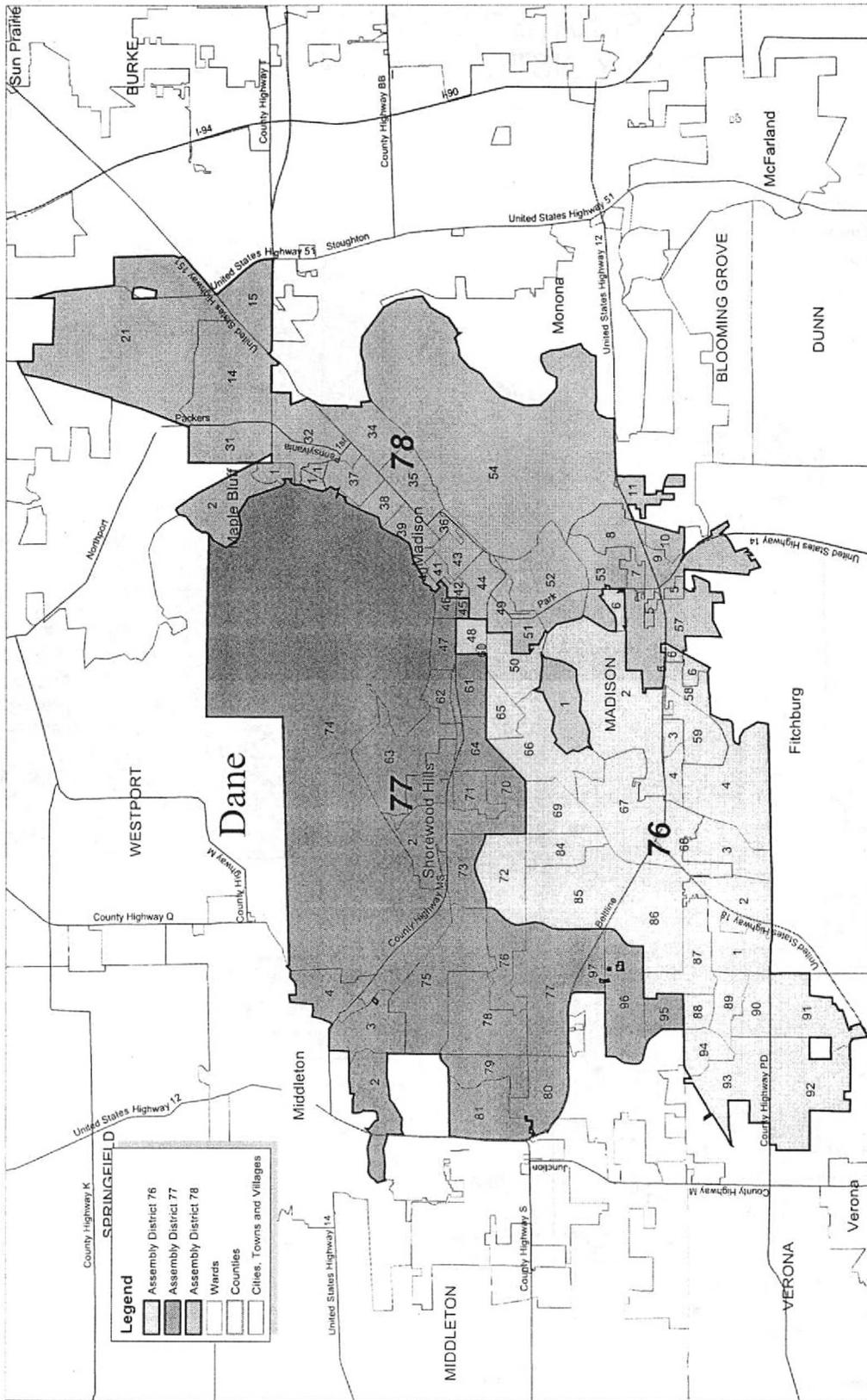
SENATE DISTRICT 25  
ASSEMBLY DISTRICTS 73, 74, AND 75



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002.  
Districts are effective as of May 30, 2002.

2009-10 Wis. Stats. database updated and current through 2011 Wis. Act 15 and April 30, 2011, except 2011 Wis. Act 10 was not in effect on April 30, 2011 and is not included in this update. ( See order dated March 31, 2011 in Dane County Circuit Court Case No. 2011-00562 JPB:DPW:RMD Filed 06/10/11 Page 43 of 57 Document 4-1 )  
Case 2:11-cv-00562-JPB-DPW-RMD Document 4-1 Filed 06/10/11 Page 43 of 57  
after 5-1-11 are designated by NOTES. See Are The Statutes on this Website Official?

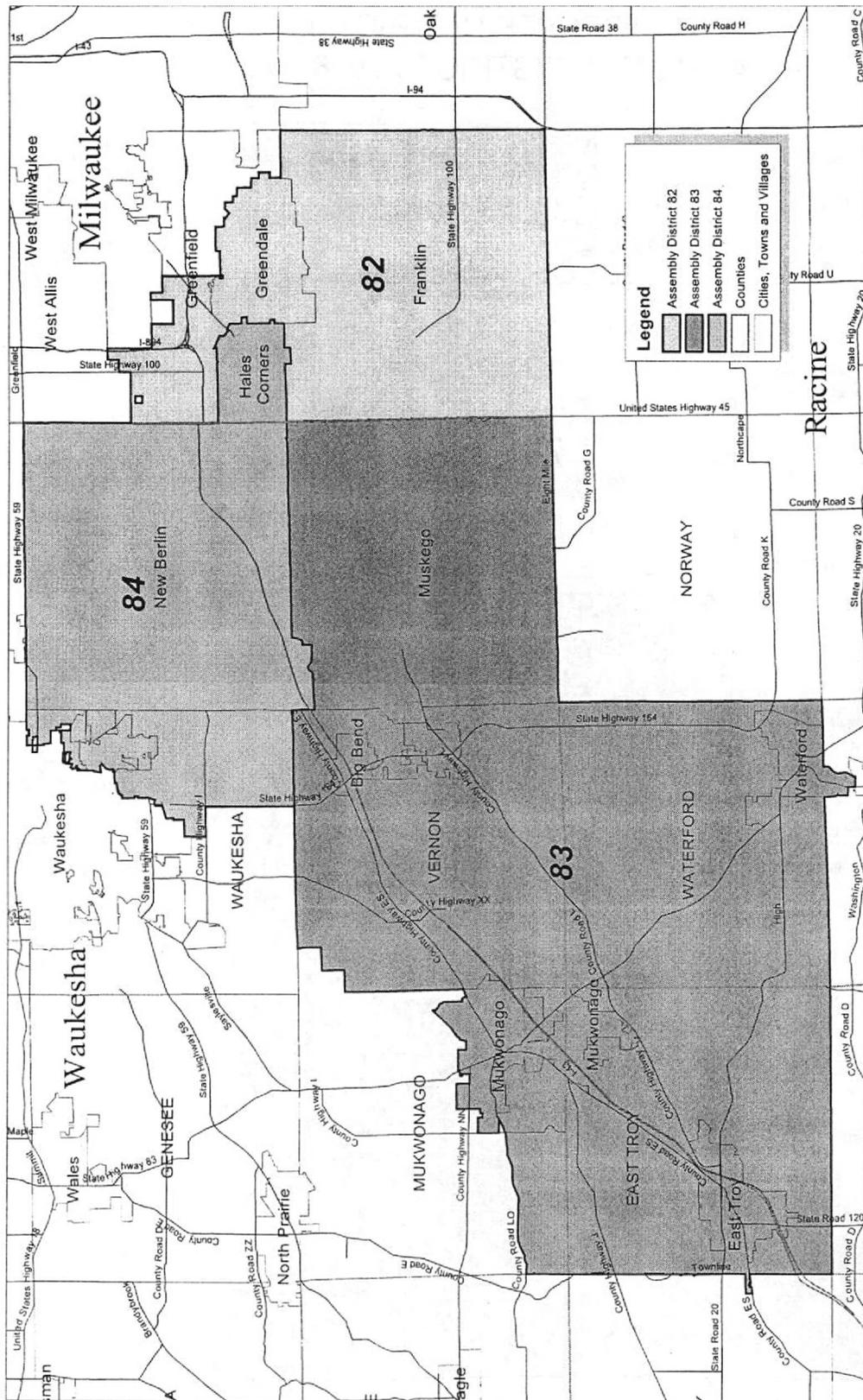
SENATE DISTRICT 26  
ASSEMBLY DISTRICTS 76, 77, AND 78



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002. Districts are effective as of May 30, 2002.

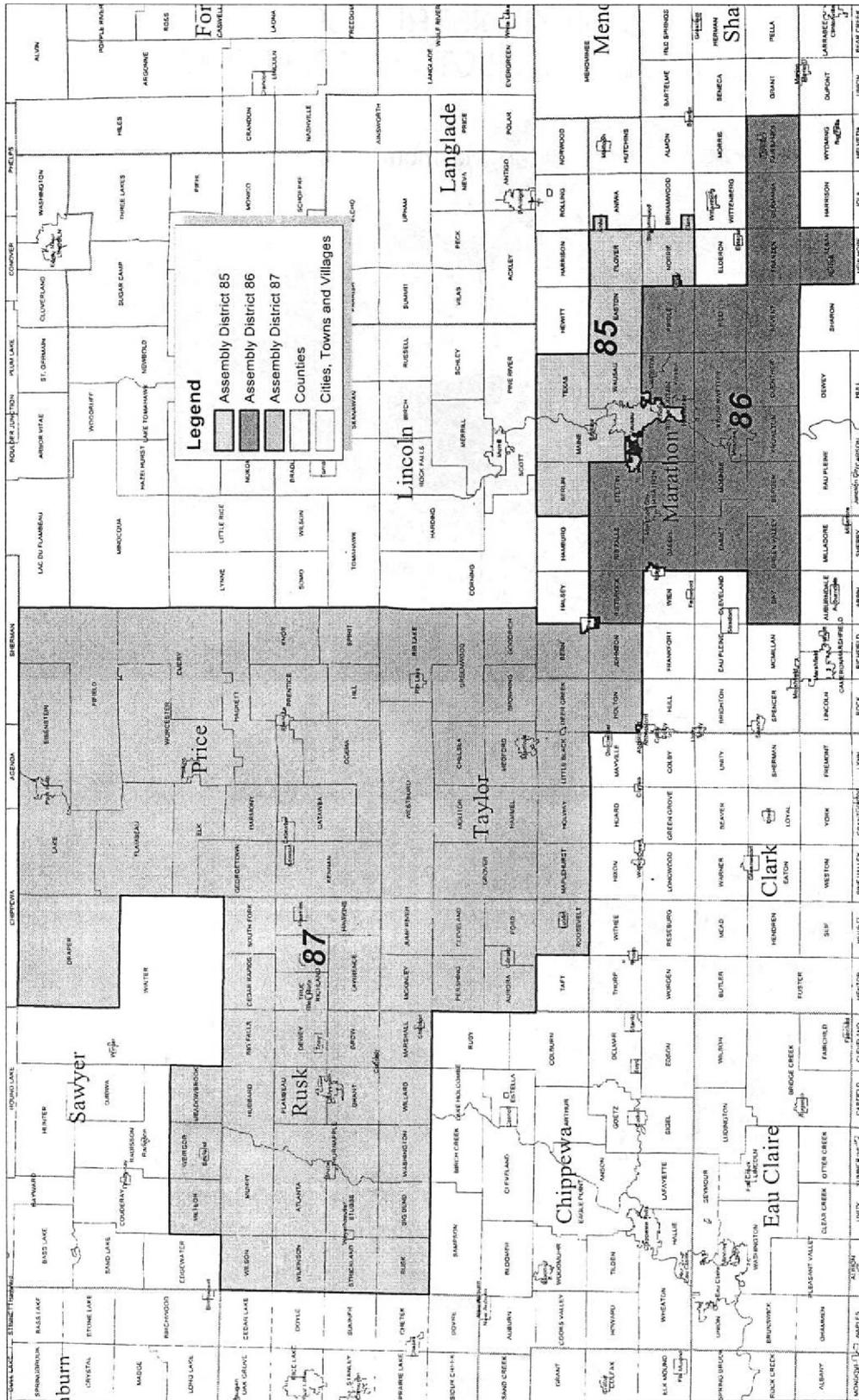


SENATE DISTRICT 28  
ASSEMBLY DISTRICTS 82, 83, AND 84



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002. Districts are effective as of May 30, 2002.

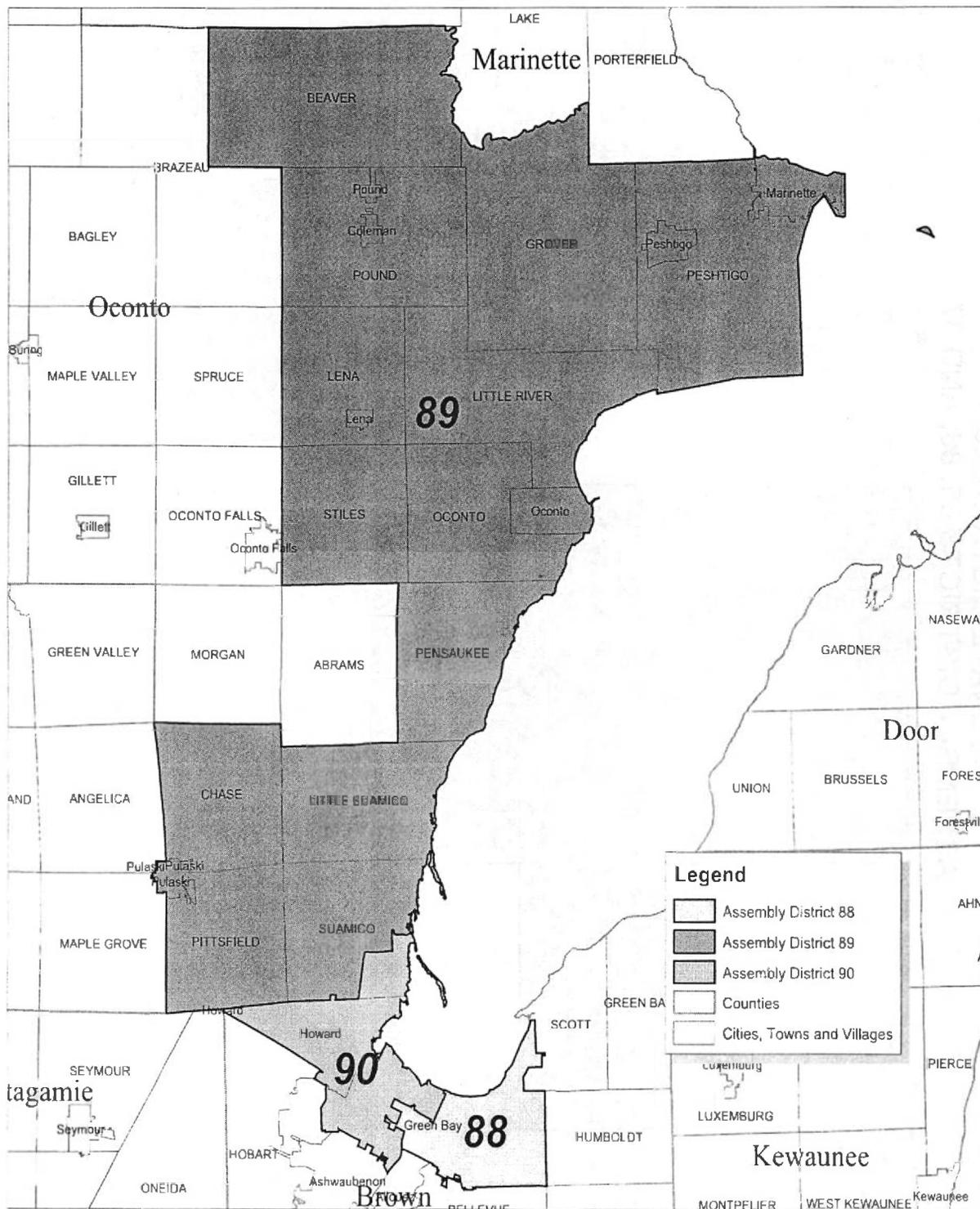
SENATE DISTRICT 29  
ASSEMBLY DISTRICTS 85, 86, AND 87



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002. Districts are effective as of May 30, 2002.

Electronic reproduction of 2009-10 Wis. Stats. database, current through 2011 Wis. Act 15 and April 30, 2011.

### SENATE DISTRICT 30 ASSEMBLY DISTRICTS 88, 89, AND 90



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002.  
Districts are effective as of May 30, 2002.

2009-10 Wis. Stats. database updated and current through 2011 Wis. Act 15 and April 30, 2011, except 2011 Wis. Act 10 was not in effect on April 30, 2011 and is not included in this update. (See order dated March 31, 2011 in Dane County Circuit Court Case No. 2011-056336, 2011-056336 DPW, Filed 06/01/11, Page 48 of 51 Document 11) Case 2:11-bv-00036-DWM-RMD Filed 06/01/11 Page 48 of 51 Document 11 after 5-1-11 are designated by NOTES. See Are The Statutes on this Website Official?

Electronic reproduction of 2009-10 Wis. Stats. database, current through 2011 Wis. Act 15 and April 30, 2011.

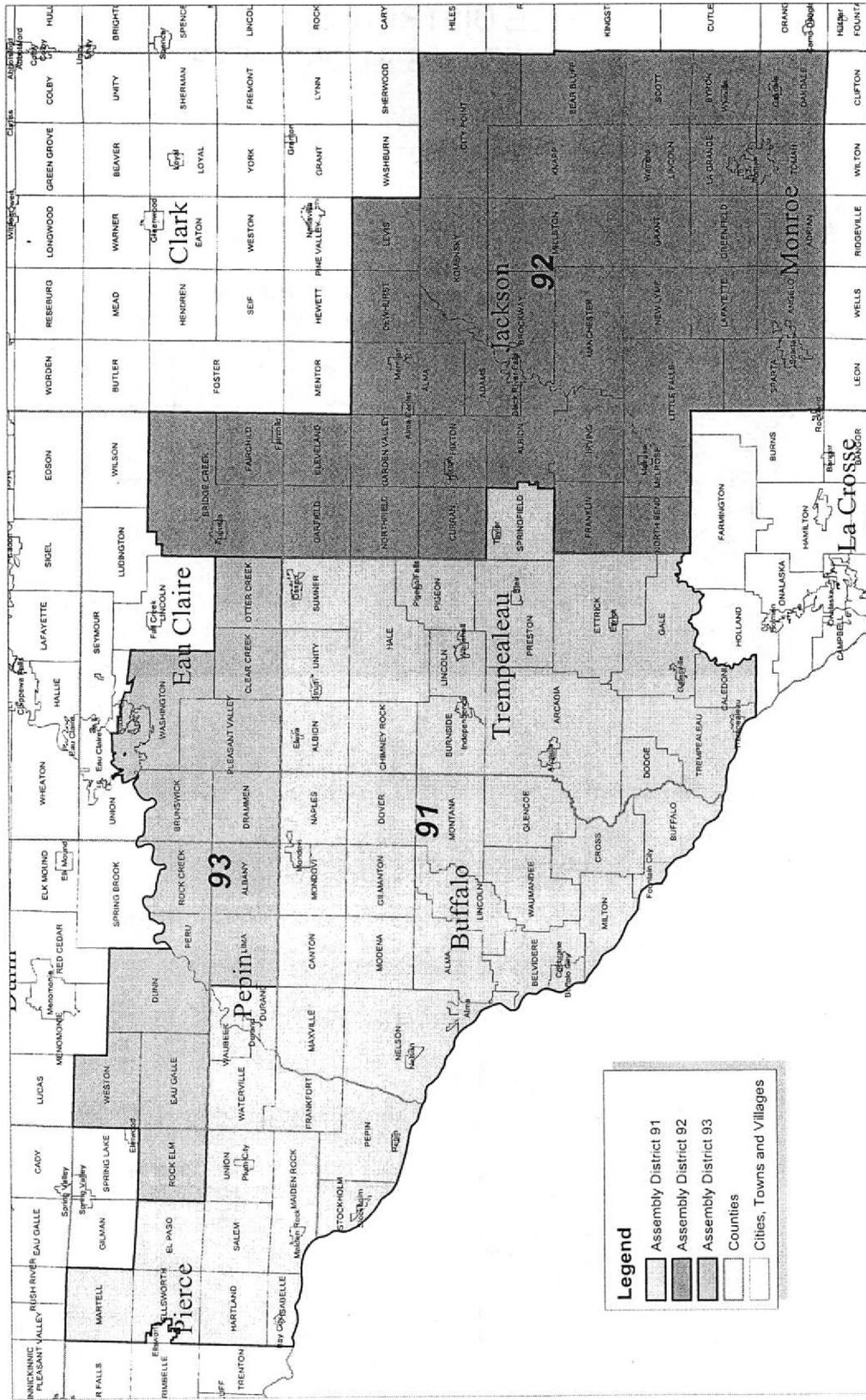
4.005

LEGISLATIVE DISTRICTS

Updated 09-10 Wis. Stats. Database

48

SENATE DISTRICT 31  
ASSEMBLY DISTRICTS 91, 92, AND 93

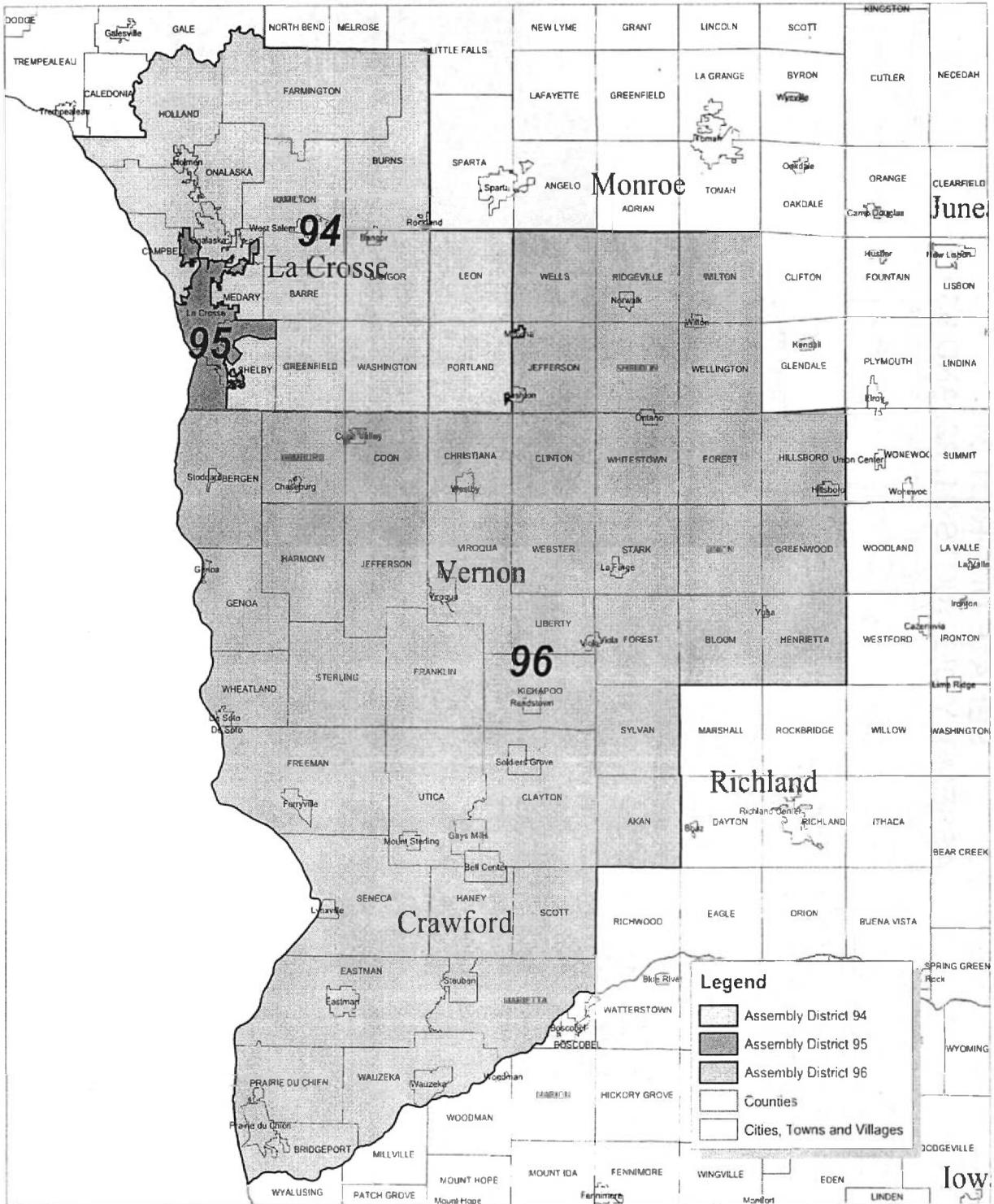


Districts as created by the Federal Court Redistricting Decision dated May 22, 2002. Districts are effective as of May 30, 2002.

2009-10 Wis. Stats. database updated and current through 2011 Wis. Act 15 and April 30, 2011, except 2011 Wis. Act 10 was not in effect on April 30, 2011 and is not included in this update. ( See order dated March 31, 2011 in Dane County Circuit Court Case No. 2011-0524, State of Wisconsin vs. D. W. Rind, filed 06/10/11, Page 49 of 57. Documents effective after 5-1-11 are designated by NOTES. See Are The Statutes on this Website Official?

Electronic reproduction of 2009-10 Wis. Stats. database, current through 2011 Wis. Act 15 and April 30, 2011.

### SENATE DISTRICT 32 ASSEMBLY DISTRICTS 94, 95, AND 96



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002.  
Districts are effective as of May 30, 2002.

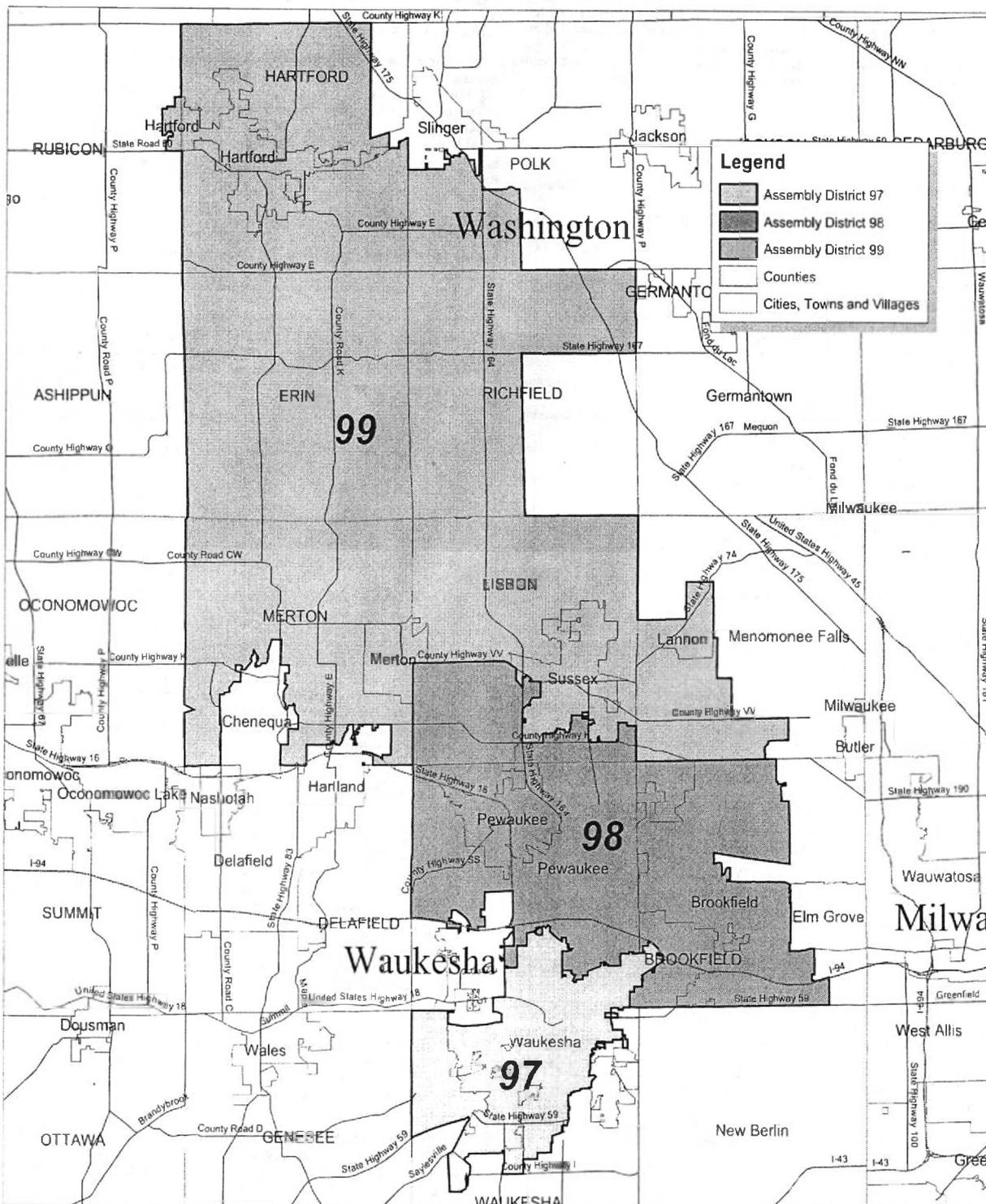
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4.005

LEGISLATIVE DISTRICTS

Updated 09-10 Wis. Stats. Database 50

SENATE DISTRICT 33  
ASSEMBLY DISTRICTS 97, 98, AND 99



Districts as created by the Federal Court Redistricting Decision dated May 22, 2002.  
Districts are effective as of May 30, 2002.

Electronic reproduction of 2009-10 Wis. Stats. database, current through 2011 Wis. Act 15 and April 30, 2011.

LEGISLATIVE DISTRICTS  
IN 1983 WIS. ACT 29

**NOTE:** The apportionment plan of legislative districts enacted in 1983 Wis. Act 29, was held unconstitutional in *Prosser et al. v. Elections Board et al.*, 793 F. Supp. 859 (W.D. Wis. 1992). The 3-judge federal panel created a judicial plan of apportionment for all elections held after June 2, 1992. The 1992 judicial apportionment plan was held unconstitutional by the Federal District Court for the Eastern District of Wisconsin in the combined cases of *Baumgart et al. v. Wendelberger*, Case No. 01-C-0121, and *Jensen et al. v. Wendelberger*, Case No. 02-C-0366, which created a judicial plan of apportionment for all elections held after May 30, 2002. The 2002 judicial plan is printed following s. 4.005.

SUBCHAPTER II  
SENATE DISTRICTS

- 4.009 Senate districts.** (1) **FIRST SENATE DISTRICT.** The combination of the 1st, 2nd and 3rd assembly districts shall constitute the first senate district.
- (2) **SECOND SENATE DISTRICT.** The combination of the 4th, 5th and 6th assembly districts shall constitute the 2nd senate district.
- (3) **THIRD SENATE DISTRICT.** The combination of the 7th, 8th and 9th assembly districts shall constitute the 3rd senate district.
- (4) **FOURTH SENATE DISTRICT.** The combination of the 10th, 11th and 12th assembly districts shall constitute the 4th senate district.
- (5) **FIFTH SENATE DISTRICT.** The combination of the 13th, 14th and 15th assembly districts shall constitute the 5th senate district.
- (6) **SIXTH SENATE DISTRICT.** The combination of the 16th, 17th and 18th assembly districts shall constitute the 6th senate district.
- (7) **SEVENTH SENATE DISTRICT.** The combination of the 19th, 20th and 21st assembly districts shall constitute the 7th senate district.
- (8) **EIGHTH SENATE DISTRICT.** The combination of the 22nd, 23rd and 24th assembly districts shall constitute the 8th senate district.
- (9) **NINTH SENATE DISTRICT.** The combination of the 25th, 26th and 27th assembly districts shall constitute the 9th senate district.
- (10) **TENTH SENATE DISTRICT.** The combination of the 28th, 29th and 30th assembly districts shall constitute the 10th senate district.
- (11) **ELEVENTH SENATE DISTRICT.** The combination of the 31st, 32nd and 33rd assembly districts shall constitute the 11th senate district.
- (12) **TWELFTH SENATE DISTRICT.** The combination of the 34th, 35th and 36th assembly districts shall constitute the 12th senate district.
- (13) **THIRTEENTH SENATE DISTRICT.** The combination of the 37th, 38th and 39th assembly districts shall constitute the 13th senate district.
- (14) **FOURTEENTH SENATE DISTRICT.** The combination of the 40th, 41st and 42nd assembly districts shall constitute the 14th senate district.
- (15) **FIFTEENTH SENATE DISTRICT.** The combination of the 43rd, 44th and 45th assembly districts shall constitute the 15th senate district.
- (16) **SIXTEENTH SENATE DISTRICT.** The combination of the 46th, 47th and 48th assembly districts shall constitute the 16th senate district.
- (17) **SEVENTEENTH SENATE DISTRICT.** The combination of the 49th, 50th and 51st assembly districts shall constitute the 17th senate district.
- (18) **EIGHTEENTH SENATE DISTRICT.** The combination of the 52nd, 53rd and 54th assembly districts shall constitute the 18th senate district.
- (19) **NINETEENTH SENATE DISTRICT.** The combination of the 55th, 56th and 57th assembly districts shall constitute the 19th senate district.
- (20) **TWENTIETH SENATE DISTRICT.** The combination of the 58th, 59th and 60th assembly districts shall constitute the 20th senate district.
- (21) **TWENTY-FIRST SENATE DISTRICT.** The combination of the 61st, 62nd and 63rd assembly districts shall constitute the 21st senate district.
- (22) **TWENTY-SECOND SENATE DISTRICT.** The combination of the 64th, 65th and 66th assembly districts shall constitute the 22nd senate district.
- (23) **TWENTY-THIRD SENATE DISTRICT.** The combination of the 67th, 68th and 69th assembly districts shall constitute the 23rd senate district.
- (24) **TWENTY-FOURTH SENATE DISTRICT.** The combination of the 70th, 71st and 72nd assembly districts shall constitute the 24th senate district.
- (25) **TWENTY-FIFTH SENATE DISTRICT.** The combination of the 73rd, 74th and 75th assembly districts shall constitute the 25th senate district.
- (26) **TWENTY-SIXTH SENATE DISTRICT.** The combination of the 76th, 77th and 78th assembly districts shall constitute the 26th senate district.
- (27) **TWENTY-SEVENTH SENATE DISTRICT.** The combination of the 79th, 80th and 81st assembly districts shall constitute the 27th senate district.
- (28) **TWENTY-EIGHTH SENATE DISTRICT.** The combination of the 82nd, 83rd and 84th assembly districts shall constitute the 28th senate district.
- (29) **TWENTY-NINTH SENATE DISTRICT.** The combination of the 85th, 86th and 87th assembly districts shall constitute the 29th senate district.
- (30) **THIRTIETH SENATE DISTRICT.** The combination of the 88th, 89th and 90th assembly districts shall constitute the 30th senate district.
- (31) **THIRTY-FIRST SENATE DISTRICT.** The combination of the 91st, 92nd and 93rd assembly districts shall constitute the 31st senate district.
- (32) **THIRTY-SECOND SENATE DISTRICT.** The combination of the 94th, 95th and 96th assembly districts shall constitute the 32nd senate district.
- (33) **THIRTY-THIRD SENATE DISTRICT.** The combination of the 97th, 98th and 99th assembly districts shall constitute the 33rd senate district.

History: 1983 a. 29.

SUBCHAPTER III  
ASSEMBLY DISTRICTS

**4.01 First assembly district.** The following territory shall constitute the first assembly district:

- (1) **WHOLE COUNTIES.** The counties of Door and Kewaunee.
- (2) **BROWN COUNTY.** That part of the county of Brown consisting of the towns of Green Bay and Scott.

History: 1983 a. 29.

**4.02 Second assembly district.** The following territory shall constitute the 2nd assembly district:

- (1) **BROWN COUNTY.** That part of the county of Brown consisting of: a) the towns of De Pere, Eaton, Glenmore, Holland, Humboldt, Morrison, New Denmark and Rockland; and b) the village of Denmark.
- (2) **MANITOWOC COUNTY.** That part of the county of Manitowoc consisting of: a) the towns of Cato, Cooperstown, Eaton, Franklin, Gibson, Kossuth, Manitowoc Rapids, Maple Grove, Mishicot, Rockland, Two Creeks and Two Rivers; b) the villages of Francis Creek, Kellnersville, Maribel, Mishicot, Reedsville and Whitelaw; and c) the city of Two Rivers.

History: 1983 a. 29.

**4.03 Third assembly district.** The following territory shall constitute the 3rd assembly district:

- (1) **BROWN COUNTY.** That part of the county of Brown consisting of the village of Wrightstown.
- (2) **CALUMET COUNTY.** That part of the county of Calumet consisting of: a) the towns of Brillion, Brothertown, Charlestown, Chilton, Harrison, Rantoul, Stockbridge and Woodville; b) the villages of Hilbert, Potter, Sherwood and Stockbridge; c) the cities of Brillion and Chilton; d) that part of the city of Appleton, located in the county, comprising wards 9, 13, 22 and 23; and e) that part of the city of Menasha located in the county.
- (3) **FOND DU LAC COUNTY.** That part of the county of Fond du Lac consisting of the town of Calumet.
- (4) **OUTAGAMIE COUNTY.** That part of the county of Outagamie consisting of: a) the town of Buchanan; b) the village of Combined Locks; and c) that part of the city of Appleton comprising wards 2, 5, 10, 11, 20 and 24.
- (5) **WINNEBAGO COUNTY.** That part of the county of Winnebago consisting of that part of the city of Appleton, located in the county, comprising ward 21.

History: 1983 a. 29, 192.

**4.04 Fourth assembly district.** The following territory shall constitute the 4th assembly district:

- (1) **OCONTO COUNTY.** That part of the county of Oconto consisting of: a) the towns of Bagley, Gillett, How, Maple Valley, Oconto Falls, Stiles and Underhill; b) the village of Suring; and c) the cities of Gillett and Oconto Falls.
- (2) **OUTAGAMIE COUNTY.** That part of the county of Outagamie consisting of: a) the towns of Black Creek, Bovina, Center, Cicero, Oneida, Osborn and Seymour; b) the villages of Black Creek, Nichols and Shiocton; and c) the city of Seymour.
- (3) **SHAWANO COUNTY.** That part of the county of Shawano consisting of: a) the towns of Belle Plaine, Green Valley, Hartland, Herman, Lessor, Navarino, Pella, Richmond, Washington, Waukechon and Wescott; b) the villages of Bonduel and Cecil; and c) the city of Shawano.

History: 1983 a. 29.

**4.05 Fifth assembly district.** The following territory shall constitute the 5th assembly district:

- (1) **BROWN COUNTY.** That part of the county of Brown consisting of: a) the towns of Lawrence and Wrightstown; and b) that part of the city of De Pere comprising wards 1, 2, 3, 4, 5, 6, 7 and 8.
- (2) **OUTAGAMIE COUNTY.** That part of the county of Outagamie consisting of: a) the towns of Freedom, Kaukauna and Vandenberg; b) the villages of Kimberly and Little Chute; and c) the city of Kaukauna.

History: 1983 a. 29.

**4.06 Sixth assembly district.** The following territory in the county of Brown shall constitute the 6th assembly district: a) the towns of Allouez and Bellevue; and b) that part of the city of Green Bay comprising wards 1, 2, 3, 4, 5, 6, 13, 14, 15, 16, 17, 18, 19, 20 and 22.

History: 1983 a. 29.

**4.07 Seventh assembly district.** The following territory in the county of Milwaukee shall constitute the 7th assembly district: that part of the city of Milwaukee comprising wards 66, 69, 70, 71, 72, 73, 74, 75, 76, 77, 132, 137, 138, 140, 304, 305, 306, 307, 308, 311, 312 and 313.

History: 1983 a. 29.

**4.08 Eighth assembly district.** The following territory in the county of Milwaukee shall constitute the 8th assembly district: a) that part of the city of Milwaukee comprising wards 78, 79, 143, 144, 145, 146, 147, 148, 149, 150, 154, 155, 158, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323 and 324; and b) that part of the city of West Allis comprising wards 16 and 17.

History: 1983 a. 29.

**4.09 Ninth assembly district.** The following territory in the county of Milwaukee shall constitute the 9th assembly district: that part of the city of Milwaukee com-

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**4.005 LEGISLATIVE DISTRICTS**

Updated 09–10 Wis. Stats. Database 52

prising wards 151, 152, 153, 156, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 235, 236, 237, 238, 239 and 262.

**History:** 1983 a. 29.

**4.10 Tenth assembly district.** The following territory shall constitute the 10th assembly district:

(1) MILWAUKEE COUNTY. That part of the county of Milwaukee consisting of: a) the villages of Fox Point, River Hills, Shorewood and Whitefish Bay; b) that part of the village of Bayside located in the county; and c) that part of the city of Glendale comprising wards 3, 4, 8 and 9.

(2) OZAUKEE COUNTY. That part of the county of Ozaukee consisting of that part of the village of Bayside located in the county.

**History:** 1983 a. 29.

**4.11 Eleventh assembly district.** The following territory in the county of Milwaukee shall constitute the 11th assembly district: a) the village of Brown Deer; b) that part of the city of Glendale comprising wards 1, 2, 5, 6, 7, 10, 11 and 12; and c) that part of the city of Milwaukee comprising wards 163, 164, 165, 166, 167, 168, 169, 171, 172, 173, 178 and 179.

**History:** 1983 a. 29.

**4.12 Twelfth assembly district.** The following territory in the county of Milwaukee shall constitute the 12th assembly district: that part of the city of Milwaukee comprising wards 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63 and 65.

**History:** 1983 a. 29.

**4.13 Thirteenth assembly district.** The following territory shall constitute the 13th assembly district:

(1) MILWAUKEE COUNTY. That part of the county of Milwaukee consisting of that part of the city of Milwaukee comprising wards 80, 81, 82, 83, 85, 170, 174, 175, 176, 177, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 299 and 300.

(2) WASHINGTON COUNTY. That part of the county of Washington consisting of that part of ward 285 of the city of Milwaukee located in the county.

**History:** 1983 a. 29.

**4.14 Fourteenth assembly district.** The following territory in the county of Milwaukee shall constitute the 14th assembly district: that part of the city of Milwaukee comprising wards 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 123, 124, 125, 129, 130, 133, 134, 135, 139, 141, 142, 309 and 310.

**History:** 1983 a. 29.

**4.15 Fifteenth assembly district.** The following territory in the county of Milwaukee shall constitute the 15th assembly district: that part of the city of Milwaukee comprising wards 19, 20, 21, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36, 37, 38, 39, 84, 86, 87, 88, 89, 126, 127, 180, 181 and 182.

**History:** 1983 a. 29.

**4.16 Sixteenth assembly district.** The following territory in the county of Milwaukee shall constitute the 16th assembly district: that part of the city of Milwaukee comprising wards 1, 2, 3, 22, 23, 24, 29, 30, 122, 128, 131, 136, 183, 184, 185, 187, 188, 189, 190, 191, 192 and 193.

**History:** 1983 a. 29.

**4.17 Seventeenth assembly district.** The following territory in the county of Milwaukee shall constitute the 17th assembly district: that part of the city of Milwaukee comprising wards 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 105, 106, 107, 108, 109, 110, 111, 112 and 186.

**History:** 1983 a. 29.

**4.18 Eighteenth assembly district.** The following territory in the county of Milwaukee shall constitute the 18th assembly district: that part of the city of Milwaukee comprising wards 16, 17, 18, 67, 68, 113, 114, 115, 116, 117, 118, 119, 120, 121, 194, 195, 196, 197, 198, 199 and 303.

**History:** 1983 a. 29.

**4.19 Nineteenth assembly district.** The following territory in the county of Milwaukee shall constitute the 19th assembly district: a) the city of St. Francis; and b) that part of the city of Milwaukee comprising wards 64, 234, 260, 261, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278 and 280.

**History:** 1983 a. 29.

**4.20 Twentieth assembly district.** The following territory in the county of Milwaukee shall constitute the 20th assembly district: that part of the city of Milwaukee comprising wards 205, 206, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 279 and 281.

**History:** 1983 a. 29.

**4.21 Twenty-first assembly district.** The following territory in the county of Milwaukee shall constitute the 21st assembly district: a) the cities of Cudahy and South Milwaukee; and b) that part of the city of Oak Creek comprising wards 2, 6, 7, 9, 10, 11 and 12.

**History:** 1983 a. 29.

**4.22 Twenty-second assembly district.** The following territory in the county of Milwaukee shall constitute the 22nd assembly district: that part of the city of West Allis comprising wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 34.

**History:** 1983 a. 29.

**4.23 Twenty-third assembly district.** The following territory in the county of Milwaukee shall constitute the 23rd assembly district: a) that part of the village of Greendale comprising wards 7 and 9; b) the city of Greenfield; and c) that part of the city of West Allis comprising wards 18, 28, 29, 30, 31, 32 and 33.

**History:** 1983 a. 29.

**4.24 Twenty-fourth assembly district.** The following territory in the county of Milwaukee shall constitute the 24th assembly district: a) the village of West Milwaukee; and b) that part of the city of Milwaukee comprising wards 157, 159, 160, 161, 162, 200, 201, 202, 203, 204, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219 and 220.

**History:** 1983 a. 29.

**4.25 Twenty-fifth assembly district.** The following territory shall constitute the 25th assembly district:

(1) CALUMET COUNTY. That part of the county of Calumet consisting of that part of the city of Kiel located in the county.

(2) MANITOWOC COUNTY. That part of the county of Manitowoc consisting of: a) the towns of Centerville, Liberty, Manitowoc, Meeme, Newton and Schleswig; b) the villages of Cleveland, St. Nazianz and Valders; c) the city of Manitowoc; and d) that part of the city of Kiel located in the county.

**History:** 1983 a. 29.

**4.26 Twenty-sixth assembly district.** The following territory in the county of Sheboygan shall constitute the 26th assembly district: a) the towns of Mosel and Sheboygan; b) the village of Kohler; c) the city of Sheboygan Falls; and d) that part of the city of Sheboygan comprising wards 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15 and 16.

**History:** 1983 a. 29.

**4.27 Twenty-seventh assembly district.** The following territory shall constitute the 27th assembly district:

(1) CALUMET COUNTY. That part of the county of Calumet consisting of: a) the town of New Holstein; and b) the city of New Holstein.

(2) SHEBOYGAN COUNTY. That part of the county of Sheboygan consisting of: a) the towns of Greenbush, Herman, Lima, Lyndon, Mitchell, Plymouth, Rhine, Russell, Sheboygan Falls and Wilson; b) that part of the town of Holland comprising ward 2; c) the villages of Cascade, Elkhart Lake, Glenbeulah, Howards Grove and Waldo; d) the city of Plymouth; and e) that part of the city of Sheboygan comprising wards 7, 8, 9 and 10.

**History:** 1983 a. 29.

**4.28 Twenty-eighth assembly district.** The following territory shall constitute the 28th assembly district:

(1) WHOLE COUNTIES. The counties of Burnett and Polk.

(2) ST. CROIX COUNTY. That part of the county of St. Croix consisting of: a) the towns of Cylon, Forest and Stanton; and b) the village of Deer Park.

**History:** 1983 a. 29.

**4.29 Twenty-ninth assembly district.** The following territory shall constitute the 29th assembly district:

(1) DUNN COUNTY. That part of the county of Dunn consisting of: a) the towns of Eau Galle, Hay River, Lucas, Menomonie, New Haven, Sheridan, Stanton, Tiffany, Weston and Wilson; b) the villages of Boyceville, Downing, Knapp, Ridgeland and Wheeler; and c) the city of Menomonie.

(2) ST. CROIX COUNTY. That part of the county of St. Croix consisting of: a) the towns of Baldwin, Cady, Eau Galle, Emerald, Erin Prairie, Glenwood, Hammond, Pleasant Valley, Richmond, Rush River, St. Joseph, Somerset, Springfield and Star Prairie; b) the villages of Baldwin, Hammond, Somerset, Star Prairie, Wilson and Woodville; c) that part of the village of Spring Valley located in the county; and d) the cities of Glenwood City and New Richmond.

**History:** 1983 a. 29.

**4.30 Thirtieth assembly district.** The following territory shall constitute the 30th assembly district:

(1) PIERCE COUNTY. The county of Pierce.

(2) ST. CROIX COUNTY. That part of the county of St. Croix consisting of: a) the towns of Hudson, Kinnickinnic, Troy and Warren; b) the villages of North Hudson and Roberts; c) the city of Hudson; and d) that part of the city of River Falls located in the county.

**History:** 1983 a. 29, 192.

**4.31 Thirty-first assembly district.** The following territory in the county of Waukesha shall constitute the 31st assembly district: a) the towns of Delafield and Pewaukee; b) that part of the town of Brookfield comprising wards 3, 5, 6 and 7; c) the villages of Hartland and Pewaukee; and d) that part of the city of Waukesha comprising wards 1, 7, 9, 10, 11, 12, 14, 19, 22, 23, 24, 28 and 29.

**History:** 1983 a. 29.

**4.32 Thirty-second assembly district.** The following territory shall constitute the 32nd assembly district:

(1) JEFFERSON COUNTY. That part of the county of Jefferson consisting of: a) the towns of Concord, Palmyra and Sullivan; and b) the villages of Palmyra and Sullivan.

(2) WAUKESHA COUNTY. That part of the county of Waukesha consisting of: a) the towns of Eagle, Genesee and Ottawa; b) that part of the town of Mukwonago comprising wards 1, 2, 3, 5 and 6; c) that part of the town of Waukesha comprising wards 1 to 5, 7 and 8; d) the villages of Dousman, Eagle, Mukwonago, North Prairie and Wales; e) that part of the city of New Berlin comprising wards 12, 13 and 24; and f) that part of the city of Waukesha comprising wards 25, 26, 27, 30 and 31.

**History:** 1983 a. 29.

**4.33 Thirty-third assembly district.** The following territory shall constitute the 33rd assembly district:

(1) WASHINGTON COUNTY. That part of the county of Washington consisting of the town of Richfield.

(2) WAUKESHA COUNTY. That part of the county of Waukesha consisting of: a) the towns of Merton, Oconomowoc and Summit; b) that part of the town of Lisbon comprising wards 1 and 7 to 13; c) the villages of Chenequa, Lac La Belle, Merton, Nashotah and Oconomowoc Lake; and d) the cities of Delafield and Oconomowoc.

**History:** 1983 a. 29.

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53 Updated 09-10 Wis. Stats. Database

## LEGISLATIVE DISTRICTS

4.005

**4.34 Thirty-fourth assembly district.** The following territory shall constitute the 34th assembly district: the counties of Oneida and Vilas.

**History:** 1983 a. 29.

**4.35 Thirty-fifth assembly district.** The following territory shall constitute the 35th assembly district:

(1) **LANGLADE COUNTY.** That part of the county of Langlade consisting of: a) the towns of Ackley, Ainsworth, Antigo, Elcho, Neva, Norwood, Parrish, Peck, Polar, Price, Rolling, Summit, Upham and Vilas; and b) the city of Antigo.

(2) **LINCOLN COUNTY.** The county of Lincoln.

(3) **MARATHON COUNTY.** That part of the county of Marathon consisting of the towns of Berlin and Texas.

**History:** 1983 a. 29.

**4.36 Thirty-sixth assembly district.** The following territory shall constitute the 36th assembly district:

(1) **WHOLE COUNTIES.** The counties of Florence, Forest and Menominee.

(2) **LANGLADE COUNTY.** That part of the county of Langlade consisting of: a) the towns of Evergreen, Langlade and Wolf River; and b) the village of White Lake.

(3) **MARATHON COUNTY.** That part of the county of Marathon consisting of: a) the towns of Easton, Elderon, Harrison, Hewitt, Norrie and Plover; b) the village of Elderon; and c) that part of the village of Birmamwood located in the county.

(4) **MARINETTE COUNTY.** That part of the county of Marinette consisting of: a) the towns of Amberg, Athelstone, Beccher, Dunbar, Goodman, Middle Inlet, Niagara, Pembine, Silver Cliff, Wagner and Wausaukee; and b) the villages of Niagara and Wausaukee.

(5) **OCONTO COUNTY.** That part of the county of Oconto consisting of the towns of Armstrong, Brazcau, Breed, Doty, Lakewood, Riverview and Townsend.

(6) **SHAWANO COUNTY.** That part of the county of Shawano consisting of: a) the towns of Almon, Aniwa, Bartelme, Birmamwood, Fairbanks, Grant, Hutchins, Morris, Red Springs, Seneca and Wittenberg; and b) the villages of Aniwa, Bowler, Eland, Gresham, Mattoon, Tigerson and Wittenberg; and c) that part of the village of Birmamwood located in the county.

**History:** 1983 a. 29, 192.

**4.37 Thirty-seventh assembly district.** The following territory shall constitute the 37th assembly district:

(1) **DODGE COUNTY.** That part of the county of Dodge consisting of that part of the city of Watertown located in the county.

(2) **JEFFERSON COUNTY.** That part of the county of Jefferson consisting of: a) the towns of Ixonia, Koshkonong, Lake Mills, Milford, Oakland, Waterloo and Watertown; b) the cities of Fort Atkinson, Lake Mills and Waterloo; and c) that part of the city of Watertown located in the county.

**History:** 1983 a. 29.

**4.38 Thirty-eighth assembly district.** The following territory shall constitute the 38th assembly district:

(1) **JEFFERSON COUNTY.** That part of the county of Jefferson consisting of: a) the towns of Aztalan, Cold Spring, Farmington, Hebron and Jefferson; b) the village of Johnson Creek; c) the city of Jefferson; and d) that part of the city of Whitewater located in the county.

(2) **ROCK COUNTY.** That part of the county of Rock consisting of: a) the towns of Harmony, Johnston and Lima; and b) that part of the city of Janesville comprising wards 2, 15, 16, 17, 18 and 19.

(3) **WALWORTH COUNTY.** That part of the county of Walworth consisting of: a) the towns of La Grange and Whitewater; and b) that part of the city of Whitewater located in the county.

**History:** 1983 a. 29.

**4.39 Thirty-ninth assembly district.** The following territory shall constitute the 39th assembly district:

(1) **COLUMBIA COUNTY.** That part of the county of Columbia consisting of that part of the village of Randolph located in the county.

(2) **DODGE COUNTY.** That part of the county of Dodge consisting of: a) the towns of Beaver Dam, Burnett, Calamus, Chester, Clyman, Emmet, Fox Lake, Hustisford, Lebanon, LeRoy, Lowell, Oak Grove, Shields and Trenton; b) the villages of Clyman, Hustisford, Lowell and Reesville; c) that part of the village of Randolph located in the county; d) the cities of Beaver Dam, Fox Lake and Juneau; and e) that part of the city of Waupun located in the county.

(3) **FOND DU LAC COUNTY.** That part of the county of Fond du Lac consisting of that part of the city of Waupun located in the county.

**History:** 1983 a. 29.

**4.40 Fortieth assembly district.** The following territory shall constitute the 40th assembly district:

(1) **OUTAGAMIE COUNTY.** That part of the county of Outagamie consisting of: a) the towns of Deer Creek, Ellington, Hortonia, Liberty, Maine and Maple Creek; b) the villages of Bear Creek and Hortonville; and c) that part of the city of New London located in the county.

(2) **WAUPACA COUNTY.** That part of the county of Waupaca consisting of: a) the towns of Bear Creek, Caledonia, Dayton, Dupont, Fremont, Helvetia, Larrabee, Lebanon, Lind, Little Wolf, Matteson, Mukwa, Royalton, St. Lawrence, Scandinavia, Union, Waupaca and Weyauwega; b) the villages of Embarrass, Fremont, Iola, Ogdensburg and Scandinavia; c) the cities of Clintonville, Manawa, Marion, Waupaca and Weyauwega; and d) that part of the city of New London located in the county.

**History:** 1983 a. 29.

**4.41 Forty-first assembly district.** The following territory shall constitute the 41st assembly district:

(1) **FOND DU LAC COUNTY.** That part of the county of Fond du Lac consisting of: a) the towns of Alto, Metomen and Ripon; b) the villages of Brandon and Fairwater; and c) the city of Ripon.

(2) **GREEN LAKE COUNTY.** The county of Green Lake.

(3) **WAUSHARA COUNTY.** That part of the county of Waushara consisting of: a) the towns of Aurora, Bloomfield, Dakota, Leon, Marion, Mt. Morris, Poy Sippi, Saxeville, Springwater, Warren and Wautoma; b) the villages of Lohrville, Redgranite and Wild Rose; c) the city of Wautoma; and d) that part of the city of Berlin located in the county.

(4) **WINNEBAGO COUNTY.** That part of the county of Winnebago consisting of the towns of Nepeuskun, Poygan, Rushford and Wolf River.

**History:** 1983 a. 29.

**4.42 Forty-second assembly district.** The following territory shall constitute the 42nd assembly district:

(1) **ADAMS COUNTY.** That part of the county of Adams consisting of the towns of Colburn, Dell Prairie, Easton, Jackson, Leola, Lincoln, New Chester, New Haven, Richfield and Springville.

(2) **COLUMBIA COUNTY.** That part of the county of Columbia consisting of that part of the city of Wisconsin Dells located in the county.

(3) **JUNEAU COUNTY.** That part of the county of Juneau consisting of: a) the towns of Armenia, Clearfield, Cutler, Finley, Fountain, Germantown, Kingston, Lemonweir, Lindina, Lisbon, Marion, Necedah, Orange, Plymouth and Wonewoc; b) the villages of Camp Douglas, Hustler, Necedah, Union Center and Wonewoc; c) the cities of Elroy, Mauston and New Lisbon; and d) that part of the city of Wisconsin Dells located in the county.

(4) **MARQUETTE COUNTY.** The county of Marquette.

(5) **MONROE COUNTY.** That part of the county of Monroe consisting of: a) the towns of Glendale, Ridgeville, Sheldon, Wellington and Wilton; and b) the villages of Kendall, Norwalk and Wilton.

(6) **SAUK COUNTY.** That part of the county of Sauk consisting of that part of the city of Wisconsin Dells located in the county.

(7) **WAUSHARA COUNTY.** That part of the county of Waushara consisting of: a) the towns of Coloma, Deerfield, Hancock, Oasis, Plainfield, Richford and Rose; and b) the villages of Coloma, Hancock and Plainfield.

**History:** 1983 a. 29.

**4.43 Forty-third assembly district.** The following territory in the county of Walworth shall constitute the 43rd assembly district: a) the towns of Danen, Delavan, Geneva, Lafayette, Linn, Lyons, Richmond, Sharon, Spring Prairie, Sugar Creek and Walworth; b) the villages of Darien, Fontana-on-Geneva Lake, Sharon, Walworth and Williams Bay; c) the cities of Delavan, Elkhorn and Lake Geneva; and d) that part of the city of Burlington located in the county.

**History:** 1983 a. 29.

**4.44 Forty-fourth assembly district.** The following territory in the county of Rock shall constitute the 44th assembly district: a) the towns of Bradford, Clinton, Janesville, La Prairie and Rock; b) the village of Clinton; and c) that part of the city of Janesville comprising wards 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 20 and 21.

**History:** 1983 a. 29.

**4.45 Forty-fifth assembly district.** The following territory in the county of Rock shall constitute the 45th assembly district: a) the towns of Beloit, Newark and Turtle; and b) the city of Beloit.

**History:** 1983 a. 29.

**4.46 Forty-sixth assembly district.** The following territory shall constitute the 46th assembly district:

(1) **DANE COUNTY.** That part of the county of Dane consisting of: a) the towns of Albion, Bristol, Christiana, Deerfield, Dunkirk, Medina, Pleasant Springs, Rutland, Sun Prairie and Windsor; b) the villages of Deerfield, DeForest, Marshall and Rockdale; c) that part of the village of Cambridge located in the county; and d) the cities of Stoughton and Sun Prairie.

(2) **JEFFERSON COUNTY.** That part of the county of Jefferson consisting of that part of the village of Cambridge located in the county.

**History:** 1983 a. 29.

**4.47 Forty-seventh assembly district.** The following territory shall constitute the 47th assembly district:

(1) **GREEN COUNTY.** That part of the county of Green consisting of: a) the towns of Adams, Albany, Cadiz, Clamo, Decatur, Jefferson, Jordan, Monroe, Mt. Pleasant, Spring Grove, Sylvester, Washington and York; b) the villages of Albany, Brownstown and Monticello; and c) the cities of Brodhead and Monroe.

(2) **JEFFERSON COUNTY.** That part of the county of Jefferson consisting of the town of Sumner.

(3) **ROCK COUNTY.** That part of the county of Rock consisting of: a) the towns of Avon, Center, Fulton, Magnolia, Milton, Plymouth, Porter and Spring Valley; b) the villages of Footville and Orfordville; and c) the cities of Edgerton and Milton.

**History:** 1983 a. 29.

**4.48 Forty-eighth assembly district.** The following territory in the county of Dane shall constitute the 48th assembly district: a) the towns of Blooming Grove, Burke and Cottage Grove; b) the villages of Cottage Grove and McFarland; c) the city of Monona; and d) that part of the city of Madison comprising wards 1, 2, 4, 5, 8, 9, 10, 11, 12, 13 and 20.

**History:** 1983 a. 29.

**4.49 Forty-ninth assembly district.** The following territory shall constitute the 49th assembly district:

(1) **GRANT COUNTY.** That part of the county of Grant consisting of: a) the towns of Bectown, Bloomington, Cassville, Castle Rock, Clifton, Ellenboro, Fennimore, Glen Haven, Harrison, Hickory Grove, Liberty, Lima, Little Grant, Mt. Hope, Mt. Ida, Muscoda, North Lancaster, Platteville, Potosi, South Lancaster, Waterloo, Watters-town and Wingville; b) the villages of Bloomington, Blue River, Cassville, Mt. Hope, Potosi and Tennyson; c) that part of the village of Livingston located in the county; d) that part of the village of Muscoda located in the county; and e) the cities of Fennimore, Lancaster and Platteville.

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(2) IOWA COUNTY. That part of the county of Iowa consisting of that part of the village of Livingston located in the county.

(3) RICHLAND COUNTY. That part of the county of Richland consisting of: a) the towns of Akan, Dayton, Eagle, Forest, Marshall, Orion, Richland, Richwood and Sylvan; b) the village of Boaz; c) that part of the village of Viola located in the county; and d) the city of Richland Center.

(4) VERNON COUNTY. That part of the county of Vernon consisting of that part of the village of Viola located in the county.

History: 1983 a. 29.

**4.50 Fiftieth assembly district.** The following territory shall constitute the 50th assembly district:

(1) JUNEAU COUNTY. That part of the county of Juneau consisting of: a) the towns of Kildare, Lyndon, Seven Mile Creek and Summit; and b) the village of Lyndon Station.

(2) RICHLAND COUNTY. That part of the county of Richland consisting of: a) the towns of Bloom, Bucna Vista, Henrietta, Ithaca, Rockbridge, Westford and Willow; b) the villages of Lone Rock and Yuba; and c) that part of the village of Cazenovia located in the county.

(3) SAUK COUNTY. That part of the county of Sauk consisting of: a) the towns of Baraboo, Bear Creek, Dellona, Excelsior, Fairfield, Franklin, Freedom, Honey Creek, Ironton, La Valle, Prairie du Sac, Reedsburg, Spring Green, Sumpter, Troy, Washington, Westfield, Winfield and Woodland; b) the villages of Ironton, La Valle, Lime Ridge, Loganville, North Freedom, Plain, Prairie du Sac, Rock Springs, Sauk City, Spring Green and West Baraboo; c) that part of the village of Cazenovia located in the county; and d) the cities of Baraboo and Reedsburg.

History: 1983 a. 29.

**4.51 Fifty-first assembly district.** The following territory shall constitute the 51st assembly district:

(1) GRANT COUNTY. That part of the county of Grant consisting of: a) the towns of Hazel Green, Jamestown, Paris and Smelser; b) the village of Dickeyville; c) that part of the village of Hazel Green located in the county; d) that part of the village of Montfort located in the county; and e) that part of the city of Cuba City located in the county.

(2) IOWA COUNTY. That part of the county of Iowa consisting of: a) the towns of Arena, Brigham, Clyde, Dodgeville, Eden, Highland, Linden, Mifflin, Mineral Point, Moscow, Pulaski, Ridgeway, Waldwick and Wyoming; b) the villages of Arena, Avoca, Bameveld, Cobb, Highland, Hollandale, Linden, Rewey and Ridgeway; c) that part of the village of Blanchardville located in the county; d) that part of the village of Montfort located in the county; e) that part of the village of Muscoda located in the county; and f) the cities of Dodgeville and Mineral Point.

(3) LAFAYETTE COUNTY. The county of Lafayette.

History: 1983 a. 29.

**4.52 Fifty-second assembly district.** The following territory shall constitute the 52nd assembly district:

(1) FOND DU LAC COUNTY. That part of the county of Fond du Lac consisting of: a) the towns of Fond du Lac and Friendship; b) the village of North Fond du Lac; and c) the city of Fond du Lac.

(2) WINNEBAGO COUNTY. That part of the county of Winnebago consisting of the town of Black Wolf.

History: 1983 a. 29.

**4.53 Fifty-third assembly district.** The following territory shall constitute the 53rd assembly district:

(1) FOND DU LAC COUNTY. That part of the county of Fond du Lac consisting of: a) the towns of Auburn, Empire, Forest, Marshfield, Osceola and Taycheedah; and b) the villages of Mt. Calvary and St. Cloud.

(2) OZAUKEE COUNTY. That part of the county of Ozaukee consisting of: a) the town of Fredonia; and b) the village of Fredonia.

(3) SHEBOYGAN COUNTY. That part of the county of Sheboygan consisting of the town of Scott.

(4) WASHINGTON COUNTY. That part of the county of Washington consisting of: a) the towns of Barton, Farmington and Trenton; and b) the city of West Bend.

History: 1983 a. 29.

**4.54 Fifty-fourth assembly district.** The following territory in the county of Winnebago shall constitute the 54th assembly district: that part of the city of Oshkosh comprising wards 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 41, 42, 43, 44 and 45.

History: 1983 a. 29.

**4.55 Fifty-fifth assembly district.** The following territory in the county of Winnebago shall constitute the 55th assembly district: a) the town of Menasha; b) that part of the city of Menasha located in the county; and c) that part of the city of Neenah comprising wards 1, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16.

History: 1983 a. 29, 192.

**4.56 Fifty-sixth assembly district.** The following territory shall constitute the 56th assembly district:

(1) FOND DU LAC COUNTY. That part of the county of Fond du Lac consisting of: a) the towns of Byron, Eden, Eldorado, Lamartine, Oakfield, Rosendale, Springvale and Waupun; and b) the villages of Eden, Oakfield and Rosendale.

(2) OUTAGAMIE COUNTY. That part of the county of Outagamie consisting of the towns of Dale and Greenville.

(3) WINNEBAGO COUNTY. That part of the county of Winnebago consisting of: a) the towns of Algoma, Clayton, Neenah, Nekimi, Omro, Oshkosh, Utica, Vinland, Winchester and Winneconne; b) the village of Winneconne; c) the city of Omro; d) that part of the city of Neenah comprising wards 2 and 6; and e) that part of the city of Oshkosh comprising ward 36.

History: 1983 a. 29.

**4.57 Fifty-seventh assembly district.** The following territory in the county of Outagamie shall constitute the 57th assembly district: a) the town of Grand Chute; and b) that part of the city of Appleton comprising wards 1, 3, 4, 6, 7, 8, 12, 14, 15, 16, 17, 18 and 19.

History: 1983 a. 29.

**4.58 Fifty-eighth assembly district.** The following territory shall constitute the 58th assembly district:

(1) OZAUKEE COUNTY. That part of the county of Ozaukee consisting of: a) the town of Cedarburg; b) the village of Thiensville; and c) the city of Mequon.

(2) WASHINGTON COUNTY. That part of the county of Washington consisting of: a) the towns of Germantown, Jackson, Polk and West Bend; and b) the villages of Germantown and Jackson.

History: 1983 a. 29.

**4.59 Fifty-ninth assembly district.** The following territory shall constitute the 59th assembly district:

(1) DODGE COUNTY. That part of the county of Dodge consisting of: a) the towns of Ashippun, Herman, Hubbard, Lomira, Rubicon, Theresa and Williamstown; b) the villages of Brownsville, Iron Ridge, Kekoskee, Lomira, Neosho and Theresa; and c) the cities of Horicon and Mayville.

(2) FOND DU LAC COUNTY. That part of the county of Fond du Lac consisting of: a) the town of Ashford; and b) the village of Campbellsport.

(3) WASHINGTON COUNTY. That part of the county of Washington consisting of: a) the towns of Addison, Erin, Hartford, Kewaskum and Wayne; b) the villages of Kewaskum and Slinger; and c) the city of Hartford.

History: 1983 a. 29.

**4.60 Sixtieth assembly district.** The following territory shall constitute the 60th assembly district:

(1) OZAUKEE COUNTY. That part of the county of Ozaukee consisting of: a) the towns of Belgium, Grafton, Port Washington and Saukville; b) the villages of Belgium, Grafton and Saukville; c) that part of the village of Newburg located in the county; and d) the cities of Cedarburg and Port Washington.

(2) SHEBOYGAN COUNTY. That part of the county of Sheboygan consisting of: a) the town of Sherman; b) that part of the town of Holland comprising wards 1 and 3; and c) the villages of Adell, Cedar Grove, Oostburg and Random Lake.

(3) WASHINGTON COUNTY. That part of the county of Washington consisting of that part of the village of Newburg located in the county.

History: 1983 a. 29.

**4.61 Sixty-first assembly district.** The following territory in the county of Racine shall constitute the 61st assembly district: a) the villages of North Bay and Wind Point; and b) that part of the city of Racine comprising wards 1, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 23, 29, 30, 31 and 32.

History: 1983 a. 29.

**4.62 Sixty-second assembly district.** The following territory in the county of Racine shall constitute the 62nd assembly district: a) that part of the town of Mt. Pleasant comprising wards 1 and 4 to 6; b) the village of Elmwood Park; and c) that part of the city of Racine comprising wards 2, 3, 4, 6, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27 and 28.

History: 1983 a. 29.

**4.63 Sixty-third assembly district.** The following territory in the county of Racine shall constitute the 63rd assembly district: a) the towns of Caledonia, Raymond and Yorkville; b) that part of the town of Mt. Pleasant comprising wards 2, 3 and 7 to 12; and c) the villages of Sturtevant and Union Grove.

History: 1983 a. 29.

**4.64 Sixty-fourth assembly district.** The following territory in the county of Kenosha shall constitute the 64th assembly district: a) the town of Somers; and b) that part of the city of Kenosha comprising wards 1, 2, 3, 7, 8, 9, 10, 11, 12, 13, 19, 20, 21, 22, 23, 31 and 32.

History: 1983 a. 29.

**4.65 Sixty-fifth assembly district.** The following territory in the county of Kenosha shall constitute the 65th assembly district: a) that part of the town of Pleasant Prairie comprising wards 1 to 4, 6 and 7; and b) that part of the city of Kenosha comprising wards 4, 5, 6, 14, 15, 16, 17, 18, 24, 25, 26, 27, 28, 29, 30, 33 and 34.

History: 1983 a. 29.

**4.66 Sixty-sixth assembly district.** The following territory shall constitute the 66th assembly district:

(1) KENOSHA COUNTY. That part of the county of Kenosha consisting of: a) the towns of Brighton, Bristol, Paris, Randall, Salem and Wheatland; b) that part of the town of Pleasant Prairie comprising wards 5, 8 and 9; and c) the villages of Paddock Lake, Silver Lake and Twin Lakes.

(2) RACINE COUNTY. That part of the county of Racine consisting of: a) the town of Burlington; and b) that part of the city of Burlington located in the county.

(3) WALWORTH COUNTY. That part of the county of Walworth consisting of: a) the town of Bloomfield; and b) the village of Genoa City.

History: 1983 a. 29.

**4.67 Sixty-seventh assembly district.** The following territory shall constitute the 67th assembly district:

(1) BARRON COUNTY. That part of the county of Barron consisting of that part of the village of New Auburn located in the county.

(2) CHIPPEWA COUNTY. That part of the county of Chippewa consisting of: a) the towns of Auburn, Bloomer, Cleveland, Cooks Valley, Eagle Point, Estella, Hallie, Howard, Lake Holcombe, Ruby, Tilden, Wheaton and Woodmoor; b) that part of the village of New Auburn located in the county; and c) the cities of Bloomer, Chippewa Falls and Cornell.

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(3) **DUNN COUNTY.** That part of the county of Dunn consisting of: a) the towns of Colfax, Dunn, Elk Mound, Grant, Otter Creek, Peru, Red Cedar, Rock Creek, Sand Creek, Sherman, Spring Brook and Tainter; and b) the villages of Colfax and Elk Mound.

(4) **RUSK COUNTY.** That part of the county of Rusk consisting of: a) the towns of Marshall and Willard; and b) the village of Sheldon.

**History:** 1983 a. 29.

**4.68 Sixty-eighth assembly district.** The following territory shall constitute the 68th assembly district:

(1) **CHIPPewa COUNTY.** That part of the county of Chippewa consisting of: a) the towns of Anson, Arthur, Colburn, Delmar, Edson, Goetz, Lafayette and Sigel; b) the villages of Boyd and Cadott; c) the city of Stanley; and d) that part of the city of Eau Claire, located in the county, comprising ward 16.

(2) **CLARK COUNTY.** That part of the county of Clark consisting of the town of Thorp.

(3) **Eau CLAIRE COUNTY.** That part of the county of Eau Claire consisting of: a) the towns of Seymour and Union; and b) that part of the city of Eau Claire comprising wards 1, 6, 7, 8, 9, 10, 11, 12 and 14.

(4) **TAYLOR COUNTY.** That part of the county of Taylor consisting of the town of Taft.

**History:** 1983 a. 29.

**4.69 Sixty-ninth assembly district.** The following territory shall constitute the 69th assembly district: [See AD-69 map on page 63]

(1) **CLARK COUNTY.** That part of the county of Clark consisting of: a) the towns of Beaver, Colby, Dewhurst, Eaton, Fremont, Grant, Green Grove, Hewett, Hixon, Hoard, Levis, Longwood, Loyal, Lynn, Mayville, Pine Valley, Reeseburg, Sherman, Sherwood, Unity, Warner, Washburn, Weston, Withee, Worden and York; b) the villages of Curtiss, Dorchester, Granton and Withee; c) that part of the village of Unity located in the county; d) the cities of Greenwood, Loyal, Neillsville, Owen and Thorp; e) that part of the city of Abbotsford located in the county; and f) that part of the city of Colby located in the county.

(2) **MARATHON COUNTY.** That part of the county of Marathon consisting of: a) the towns of Brighton, Eau Pleine, Frankfort, Holton, Hull, Johnson, McMillan and Spencer; b) the village of Spencer; c) that part of the village of Unity located in the county; d) that part of the city of Abbotsford located in the county; and e) that part of the city of Colby located in the county.

(3) **TAYLOR COUNTY.** That part of the county of Taylor consisting of: a) the towns of Aurora, Cleveland, Deer Creek, Ford, Grover, Holway, Little Black, McKinley, Maplehurst, Pershing and Roosevelt; and b) the villages of Gilman, Lublin and Stetsonville.

**History:** 1983 a. 29.

**4.70 Seventieth assembly district.** The following territory shall constitute the 70th assembly district:

(1) **MARATHON COUNTY.** That part of the county of Marathon consisting of that part of the city of Marshfield located in the county.

(2) **PORTAGE COUNTY.** That part of the county of Portage consisting of: a) the towns of Alban, Buena Vista, Carson, Dewey, Eau Pleine, Linwood, Plover and Sharon; b) the villages of Junction City and Rosholt; and c) that part of the village of Milladore located in the county.

(3) **WOOD COUNTY.** That part of the county of Wood consisting of: a) the towns of Arpin, Auburndale, Cameron, Cary, Cranmoor, Dexter, Hansen, Hiles, Lincoln, Marshfield, Milladore, Port Edwards, Remington, Richfield, Rock, Seneca, Sherry, Sigel and Wood; b) the villages of Arpin, Auburndale, Hewitt and Vesper; c) that part of the village of Milladore located in the county; d) the city of Pittsville; and e) that part of the city of Marshfield located in the county.

**History:** 1983 a. 29.

**4.71 Seventy-first assembly district.** The following territory shall constitute the 71st assembly district:

(1) **PORTAGE COUNTY.** That part of the county of Portage consisting of: a) the towns of Almond, Amherst, Belmont, Hull, Lanark, New Hope and Stockton; b) the villages of Almond, Amherst, Amherst Junction, Nelsonville, Park Ridge, Plover and Whiting; and c) the city of Stevens Point.

(2) **WALPACA COUNTY.** That part of the county of Waupaca consisting of the towns of Farmington and Iola.

**History:** 1983 a. 29.

**4.72 Seventy-second assembly district.** The following territory shall constitute the 72nd assembly district:

(1) **ADAMS COUNTY.** That part of the county of Adams consisting of: a) the towns of Adams, Big Flats, Monroe, Preston, Quincy, Rome and Strongs Prairie; b) the village of Friendship; and c) the city of Adams.

(2) **PORTAGE COUNTY.** That part of the county of Portage consisting of the towns of Grant and Pine Grove.

(3) **WOOD COUNTY.** That part of the county of Wood consisting of: a) the towns of Grand Rapids, Rudolph and Saratoga; b) the villages of Biron, Port Edwards and Rudolph; and c) the cities of Nekoosa and Wisconsin Rapids.

**History:** 1983 a. 29.

**4.73 Seventy-third assembly district.** The following territory shall constitute the 73rd assembly district:

(1) **BAYFIELD COUNTY.** That part of the county of Bayfield consisting of the towns of Barnes, Hughes, Iron River, Orienta, Oulu and Port Wing.

(2) **DOUGLAS COUNTY.** The county of Douglas.

**History:** 1983 a. 29.

**4.74 Seventy-fourth assembly district.** The following territory shall constitute the 74th assembly district:

(1) **WHOLE COUNTIES.** The counties of Ashland, Iron and Sawyer.

(2) **BAYFIELD COUNTY.** That part of the county of Bayfield consisting of: a) the towns of Barksdale, Bayfield, Bayview, Bell, Cable, Clover, Delta, Drummond, Eileen, Grand View, Kelly, Keystone, Lincoln, Mason, Namakagon, Pilsen, Russell, Tripp and Washburn; b) the villages of Cable and Mason; and c) the cities of Bayfield and Washburn.

(3) **RUSK COUNTY.** That part of the county of Rusk consisting of the town of South Fork.

**History:** 1983 a. 29.

**4.75 Seventy-fifth assembly district.** The following territory shall constitute the 75th assembly district:

(1) **BARRON COUNTY.** That part of the county of Barron consisting of: a) the towns of Almena, Arland, Barron, Bear Lake, Cedar Lake, Clinton, Crystal Lake, Cumberland, Dallas, Doyle, Lakeland, Maple Grove, Maple Plain, Oak Grove, Prairie Farm, Prairie Lake, Rice Lake, Sioux Creek, Stanfold, Stanley, Turtle Lake and Vance Creek; b) the villages of Almena, Cameron, Dallas, Haugen and Prairie Farm; c) that part of the village of Turtle Lake located in the county; and d) the cities of Barron, Cumberland and Rice Lake.

(2) **WASHBURN COUNTY.** The county of Washburn.

**History:** 1983 a. 29.

**4.76 Seventy-sixth assembly district.** The following territory in the county of Dane shall constitute the 76th assembly district: a) the town of Madison; and b) that part of the city of Madison comprising wards 36, 37, 38, 39, 40, 41, 42, 47, 48, 49, 53, 54, 59, 60, 64, 65 and 66.

**History:** 1983 a. 29.

**4.77 Seventy-seventh assembly district.** The following territory in the county of Dane shall constitute the 77th assembly district: a) the village of Shorewood Hills; b) that part of the city of Madison comprising wards 31, 32, 34, 35, 43, 44, 45, 46, 50, 51, 52, 55, 56, 57, 58, 61, 62 and 63; and c) that part of the city of Middleton comprising ward 5.

**History:** 1983 a. 29.

**4.78 Seventy-eighth assembly district.** The following territory in the county of Dane shall constitute the 78th assembly district: a) the village of Maple Bluff; and b) that part of the city of Madison comprising wards 3, 6, 7, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 33.

**History:** 1983 a. 29.

**4.79 Seventy-ninth assembly district.** The following territory shall constitute the 79th assembly district:

(1) **DANE COUNTY.** That part of the county of Dane consisting of: a) the towns of Blue Mounds, Cross Plains, Dunn, Montrose, Oregon, Perry, Primrose, Springdale, Vermont and Verona; b) the villages of Blue Mounds, Mt. Horeb and Oregon; c) that part of the village of Belleville located in the county; d) that part of the village of Brooklyn located in the county; and e) the cities of Fitchburg and Verona.

(2) **GREEN COUNTY.** That part of the county of Green consisting of: a) the towns of Brooklyn, Exeter and New Glarus; b) the village of New Glarus; c) that part of the village of Belleville located in the county; and d) that part of the village of Brooklyn located in the county.

(3) **ROCK COUNTY.** That part of the county of Rock consisting of: a) the town of Union; and b) the city of Evansville.

**History:** 1983 a. 29, 192.

**4.80 Eightieth assembly district.** The following territory shall constitute the 80th assembly district:

(1) **COLUMBIA COUNTY.** That part of the county of Columbia consisting of: a) the towns of Arlington, Caledonia, Columbus, Courtland, Dekorra, Fort Winnebago, Fountain Prairie, Hampden, Leeds, Lewiston, Lodi, Lowville, Marcellon, Newport, Osageo, Pacific, Randolph, Scott, Springvale and Wycocena; b) the villages of Arlington, Cambria, Doylestown, Fall River, Friesland, Pardecville, Poynette, Rio and Wycocena; c) the cities of Lodi and Portage; and d) that part of the city of Columbus located in the county.

(2) **DANE COUNTY.** That part of the county of Dane consisting of the town of York.

(3) **DODGE COUNTY.** That part of the county of Dodge consisting of: a) the towns of Elba, Portland and Westford; and b) that part of the city of Columbus located in the county.

(4) **SAUK COUNTY.** That part of the county of Sauk consisting of: a) the towns of Delton, Greenfield and Merrimac; and b) the villages of Lake Delton and Merrimac.

**History:** 1983 a. 29, 192.

**4.81 Eighty-first assembly district.** The following territory shall constitute the 81st assembly district:

(1) **COLUMBIA COUNTY.** That part of the county of Columbia consisting of the town of West Point.

(2) **DANE COUNTY.** That part of the county of Dane consisting of: a) the towns of Berry, Black Earth, Dane, Mazomanie, Middleton, Roxbury, Springfield, Vicma and Westport; b) the villages of Black Earth, Cross Plains, Dane, Mazomanie and Waunakee; c) that part of the city of Madison comprising wards 14, 15, 16, 17 and 18; and d) that part of the city of Middleton comprising wards 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15.

**History:** 1983 a. 29.

**4.82 Eighty-second assembly district.** The following territory in the county of Milwaukee shall constitute the 82nd assembly district: a) that part of the village of Greendale comprising wards 1, 2, 3, 4, 5, 6, 8 and 10; b) the village of Hales Corners; c) the city of Franklin; and d) that part of the city of Oak Creek comprising wards 1, 3, 4, 5, 8, 13, 14, 15, 16 and 17.

**History:** 1983 a. 29.

**4.83 Eighty-third assembly district.** The following territory shall constitute the 83rd assembly district:

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(1) **RACINE COUNTY.** That part of the county of Racine consisting of: a) the towns of Dover, Norway, Rochester and Waterford; and b) the villages of Rochester and Waterford.

(2) **WALWORTH COUNTY.** That part of the county of Walworth consisting of: a) the towns of East Troy and Troy; and b) the village of East Troy.

(3) **WAUKESHA COUNTY.** That part of the county of Waukesha consisting of: a) the town of Vernon; b) that part of the town of Mukwonago comprising ward 4; c) the village of Big Bend; and d) the city of Muskego.

**History:** 1983 a. 29.

**4.84 Eighty-fourth assembly district.** The following territory in the county of Waukesha shall constitute the 84th assembly district: a) that part of the town of Waukesha comprising ward 6; b) that part of the city of New Berlin comprising wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23; and c) that part of the city of Waukesha comprising wards 2, 3, 4, 5, 6, 8, 13, 15, 16, 17, 18, 20 and 21.

**History:** 1983 a. 29.

**4.85 Eighty-fifth assembly district.** The following territory in the county of Marathon shall constitute the 85th assembly district: a) the towns of Maine, Stettin and Wausau; b) that part of the town of Rib Mountain comprising ward 2; c) the villages of Brokaw and Rothschild; and d) the cities of Schofield and Wausau.

**History:** 1983 a. 29.

**4.86 Eighty-sixth assembly district.** The following territory shall constitute the 86th assembly district:

(1) **MARATHON COUNTY.** That part of the county of Marathon consisting of: a) the towns of Bergen, Bem, Bevent, Cassel, Cleveland, Day, Emmet, Franzen, Green Valley, Guenther, Halsey, Hamburg, Knowlton, Kronenwetter, Marathon, Mosinee, Reid, Rib Falls, Rietbrock, Ringle, Weston and Wien; b) that part of the town of Rib Mountain comprising wards 1 and 3 to 8; c) the villages of Athens, Edgar, Fenwood, Hatley, Marathon and Stratford; and d) the city of Mosinee.

(2) **SHAWANO COUNTY.** That part of the county of Shawano consisting of the town of Germania.

(3) **WAUPACA COUNTY.** That part of the county of Waupaca consisting of: a) the towns of Harrison and Wyoming; and b) the village of Big Falls.

**History:** 1983 a. 29.

**4.87 Eighty-seventh assembly district.** The following territory shall constitute the 87th assembly district:

(1) **BARRON COUNTY.** That part of the county of Barron consisting of: a) the towns of Chetek, Dovre and Sumner; and b) the city of Chetek.

(2) **CHIPPEWA COUNTY.** That part of the county of Chippewa consisting of the towns of Birch Creek and Sampson.

(3) **PRICE COUNTY.** The county of Price.

(4) **RUSK COUNTY.** That part of the county of Rusk consisting of: a) the towns of Atlanta, Big Bend, Big Falls, Cedar Rapids, Dewey, Flambeau, Grant, Grow, Hawkins, Hubbard, Lawrence, Murry, Richland, Rusk, Strickland, Stubbs, Thomapple, True, Washington, Wilkinson and Wilson; b) the villages of Bruce, Conrath, Glen Flora, Hawkins, Ingram, Tony and Weyerhaeuser; and c) the city of Ladysmith.

(5) **TAYLOR COUNTY.** That part of the county of Taylor consisting of: a) the towns of Browning, Chelsea, Goodrich, Greenwood, Hammel, Jump River, Medford, Mojitor, Rib Lake and Westboro; b) the village of Rib Lake; and c) the city of Medford.

**History:** 1983 a. 29.

**4.88 Eighty-eighth assembly district.** The following territory shall constitute the 88th assembly district:

(1) **MARINETTE COUNTY.** That part of the county of Marinette consisting of: a) the towns of Beaver, Grover, Lake, Peshtigo, Porterfield, Pound and Stephenson; b) the villages of Coleman, Crivitz and Pound; and c) the cities of Marinette and Peshtigo.

(2) **OCONTO COUNTY.** That part of the county of Oconto consisting of: a) the towns of Abrams, Chase, Lena, Little River, Little Suamico, Morgan, Oconto, Pensaukee and Spruce; b) the village of Lena; and c) the city of Oconto.

(3) **SHAWANO COUNTY.** That part of the county of Shawano consisting of the towns of Angelica and Maple Grove.

**History:** 1983 a. 29.

**4.89 Eighty-ninth assembly district.** The following territory in the county of Brown shall constitute the 89th assembly district: a) the towns of Hobart, Pittsfield and Suamico; b) the villages of Howard and Pulaski; and c) that part of the city of Green Bay comprising wards 7, 8, 9, 10, 11, 12, 21, 31, 32, 33, 34, 35, 43, 45 and 46.

**History:** 1983 a. 29.

**4.90 Ninetieth assembly district.** The following territory in the county of Brown shall constitute the 90th assembly district: a) the village of Ashwaubenon; b) that part of the city of De Pere comprising ward 9; and c) that part of the city of Green Bay comprising wards 23, 24, 25, 26, 27, 28, 29, 30, 36, 37, 38, 39, 40, 41, 42 and 44.

**History:** 1983 a. 29.

**4.91 Ninety-first assembly district.** The following territory shall constitute the 91st assembly district: the counties of Buffalo, Pepin and Trempealeau.

**History:** 1983 a. 29.

**4.92 Ninety-second assembly district.** The following territory shall constitute the 92nd assembly district:

(1) **CLARK COUNTY.** That part of the county of Clark consisting of the towns of Butler, Foster, Hendren, Mead, Mentor and Seif.

(2) **EAU CLAIRE COUNTY.** That part of the county of Eau Claire consisting of the towns of Ludington and Wilson.

(3) **JACKSON COUNTY.** The county of Jackson.

(4) **MONROE COUNTY.** That part of the county of Monroe consisting of: a) the towns of Adrian, Angelo, Byron, Clifton, Grant, Greenfield, Lafayette, La Grange, Lincoln, Little Falls, New Lyme, Oakdale, Scott, Sparta and Tomah; b) the villages of Warrens and Wyeville; and c) the cities of Sparta and Tomah.

**History:** 1983 a. 29.

**4.93 Ninety-third assembly district.** The following territory in the county of Eau Claire shall constitute the 93rd assembly district: a) the towns of Bridge Creek, Brunswick, Clear Creek, Drammen, Fairchild, Lincoln, Otter Creek, Pleasant Valley and Washington; b) the villages of Fairchild and Fall Creek; c) the cities of Altoona and Augusta; and d) that part of the city of Eau Claire comprising wards 2, 3, 4, 5, 13, 15, 17, 18, 19 and 20.

**History:** 1983 a. 29.

**4.94 Ninety-fourth assembly district.** The following territory shall constitute the 94th assembly district:

(1) **LA CROSSE COUNTY.** That part of the county of La Crosse consisting of: a) the towns of Bangor, Barre, Burns, Campbell, Farmington, Hamilton, Holland, Medary, Onalaska and Washington; b) the villages of Bangor, Holmen, Rockland and West Salem; c) the city of Onalaska; and d) that part of the city of La Crosse comprising wards 1, 2 and 8.

(2) **MONROE COUNTY.** That part of the county of Monroe consisting of: a) the towns of Jefferson, Leon, Portland and Wells; and b) the villages of Cashton and Melvina.

**History:** 1983 a. 29.

**4.95 Ninety-fifth assembly district.** The following territory in the county of La Crosse shall constitute the 95th assembly district: a) the towns of Greenfield and Shelby; and b) that part of the city of La Crosse comprising wards 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18.

**History:** 1983 a. 29.

**4.96 Ninety-sixth assembly district.** The following territory shall constitute the 96th assembly district:

(1) **CRAWFORD COUNTY.** The county of Crawford.

(2) **GRANT COUNTY.** That part of the county of Grant consisting of: a) the towns of Boscobel, Marion, Millville, Patch Grove, Woodman and Wyalusing; b) the villages of Bagley, Patch Grove and Woodman; and c) the city of Boscobel.

(3) **VERNON COUNTY.** That part of the county of Vernon consisting of: a) the towns of Bergen, Christiana, Clinton, Coon, Forest, Franklin, Genoa, Greenwood, Hamburg, Harmony, Hillsboro, Jefferson, Kickapoo, Liberty, Stark, Sterling, Union, Viroqua, Webster, Wheatland and Whitestown; b) the villages of Chaseburg, Coon Valley, Genoa, La Farge, Ontario, Readstown and Stoddard; c) that part of the village of De Soto located in the county; and d) the cities of Hillsboro, Viroqua and Westby.

**History:** 1983 a. 29.

**4.97 Ninety-seventh assembly district.** The following territory shall constitute the 97th assembly district:

(1) **MILWAUKEE COUNTY.** That part of the county of Milwaukee consisting of that part of the city of Milwaukee comprising wards 296, 297, 298, 301 and 302.

(2) **WAUKESHA COUNTY.** That part of the county of Waukesha consisting of: a) that part of the town of Lisbon comprising wards 2 to 6; and b) the villages of Butler, Lannon, Menomonee Falls and Sussex.

**History:** 1983 a. 29.

**4.98 Ninety-eighth assembly district.** The following territory in the county of Milwaukee shall constitute the 98th assembly district: that part of the city of Wauwatosa comprising wards 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23 and 24.

**History:** 1983 a. 29.

**4.99 Ninety-ninth assembly district.** The following territory shall constitute the 99th assembly district:

(1) **MILWAUKEE COUNTY.** That part of the county of Milwaukee consisting of that part of the city of Wauwatosa comprising wards 9 and 21.

(2) **WAUKESHA COUNTY.** That part of the county of Waukesha consisting of: a) that part of the town of Brookfield comprising wards 1, 2, 4, 8, 9 and 10; b) the village of Elm Grove; and c) the city of Brookfield.

**History:** 1983 a. 29.

**EXHIBIT B**

U.S. Department of Commerce  
U.S. Census Bureau

Table 1. APPORTIONMENT POPULATION AND NUMBER OF REPRESENTATIVES, BY STATE: 2010 CENSUS

STATE	APPORTIONMENT POPULATION (APRIL 1, 2010)	NUMBER OF APPORTIONED REPRESENTATIVES BASED ON 2010 CENSUS	CHANGE FROM CENSUS 2000 APPORTIONMENT
Alabama	4,802,982	7	0
Alaska	721,523	1	0
Arizona	6,412,700	9	+1
Arkansas	2,926,229	4	0
California	37,341,989	53	0
Colorado	5,044,930	7	0
Connecticut	3,581,628	5	0
Delaware	900,877	1	0
Florida	18,900,773	27	+2
Georgia	9,727,566	14	+1
Hawaii	1,366,862	2	0
Idaho	1,573,499	2	0
Illinois	12,864,380	18	-1
Indiana	6,501,582	9	0
Iowa	3,053,787	4	-1
Kansas	2,863,813	4	0
Kentucky	4,350,606	6	0
Louisiana	4,553,962	6	-1
Maine	1,333,074	2	0
Maryland	5,789,929	8	0
Massachusetts	6,559,644	9	-1
Michigan	9,911,626	14	-1
Minnesota	5,314,879	8	0
Mississippi	2,978,240	4	0
Missouri	6,011,478	8	-1
Montana	994,416	1	0
Nebraska	1,831,825	3	0
Nevada	2,709,432	4	+1
New Hampshire	1,321,445	2	0
New Jersey	8,807,501	12	-1
New Mexico	2,067,273	3	0
New York	19,421,055	27	-2
North Carolina	9,565,781	13	0
North Dakota	675,905	1	0
Ohio	11,568,495	16	-2
Oklahoma	3,764,882	5	0
Oregon	3,848,606	5	0
Pennsylvania	12,734,905	18	-1
Rhode Island	1,055,247	2	0
South Carolina	4,645,975	7	+1
South Dakota	819,761	1	0
Tennessee	6,375,431	9	0
Texas	25,268,418	36	+4
Utah	2,770,765	4	+1
Vermont	630,337	1	0
Virginia	8,037,736	11	0
Washington	6,753,369	10	+1
West Virginia	1,859,815	3	0
Wisconsin	5,698,230	8	0
Wyoming	568,300	1	0
TOTAL APPORTIONMENT POPULATION <sup>1</sup>	309,183,463	435	

<sup>1</sup> Includes the resident population for the 50 states, as ascertained by the Twenty-Third Decennial Census under Title 13, United States Code, and counts of overseas U.S. military and federal civilian employees (and their dependents living with them) allocated to their home state, as reported by the employing federal agencies. The apportionment population excludes the population of the District of Columbia.

# EXHIBIT C

GCT-PL1 - Wisconsin: Race and Hispanic or  
 2010 Census Redistricting Data (Public Law 94-  
 NOTE: For information on confidentiality  
 protection, nonsampling error, and definitions,  
 see <http://www.census.gov/prod/cen2010/p034->

Geographic area	Total	Race								Hispanic or
		One race								
		Total	White	Black or	American	Asian	Native	Some	Two or	
Wisconsin	5,686,988	5,582,669	4,902,067	359,148	54,526	129,234	1,827	135,867	104,317	336,056
STATE LEGISLATIVE										
State Senate District 1	180,989	178,927	172,035	950	901	2,682	49	2,310	2,062	5,343
State Senate District 2	172,047	169,101	156,761	1,682	7,123	1,941	50	1,544	2,946	4,245
State Senate District 3	171,321	164,192	110,496	11,122	2,417	4,636	76	35,445	7,129	77,314
State Senate District 4	158,872	153,788	37,419	106,617	895	5,661	80	2,336	5,084	6,703
State Senate District 5	159,971	155,755	138,236	8,705	1,068	3,868	73	3,805	4,216	11,032
State Senate District 6	152,758	148,279	35,137	102,761	761	5,484	34	3,102	4,479	8,259
State Senate District 7	172,003	167,445	149,594	5,833	1,390	5,383	90	5,155	4,558	16,590
State Senate District 8	165,331	162,231	135,828	18,768	420	5,727	39	1,448	3,100	5,126
State Senate District 9	162,219	159,616	147,258	1,506	742	6,911	25	3,174	2,603	8,423
State Senate District 10	192,662	189,964	184,317	1,049	1,240	2,274	48	1,038	2,698	3,310
State Senate District 11	181,372	179,078	170,317	1,406	559	1,895	44	4,858	2,294	12,470
State Senate District 12	157,332	155,230	143,930	606	9,424	581	45	644	2,102	2,269
State Senate District 13	175,277	173,346	166,577	1,670	511	1,080	50	3,458	1,931	8,662
State Senate District 14	168,782	167,069	161,194	1,615	1,156	892	48	2,164	1,713	6,020
State Senate District 15	170,251	166,348	148,847	8,447	521	1,876	49	6,608	3,903	13,389
State Senate District 16	188,936	185,142	171,362	6,249	621	3,666	80	3,164	3,794	7,945
State Senate District 17	172,391	170,898	165,953	1,468	982	848	25	1,623	1,492	3,997
State Senate District 18	170,917	168,487	157,354	4,710	1,058	3,394	63	1,918	2,420	5,774
State Senate District 19	175,997	173,210	160,487	2,174	1,055	5,950	71	3,473	2,787	7,768
State Senate District 20	176,381	174,512	169,503	1,632	542	1,431	56	1,348	1,869	4,211
State Senate District 21	166,735	162,138	128,286	21,618	702	1,904	48	9,580	4,597	21,118
State Senate District 22	180,019	175,054	152,168	11,149	862	2,512	89	8,273	4,965	20,653
State Senate District 23	176,958	175,137	168,140	1,544	744	3,089	42	1,578	1,821	3,629
State Senate District 24	187,083	185,116	167,706	1,406	1,047	3,379	28	1,551	1,967	4,659
State Senate District 25	162,546	159,023	148,597	1,132	7,940	832	19	503	3,523	2,351
State Senate District 26	168,577	163,395	130,714	12,665	764	13,089	47	6,116	5,182	13,998
State Senate District 27	187,821	184,073	176,749	6,629	521	6,619	64	3,491	3,748	8,554
State Senate District 28	177,466	175,289	165,719	2,753	540	5,036	55	1,186	2,177	6,205
State Senate District 29	187,310	185,198	155,131	960	806	7,154	90	1,057	2,112	3,014
State Senate District 30	173,432	169,570	149,032	4,002	4,014	4,642	72	7,808	3,862	14,773
State Senate District 31	173,352	171,164	163,037	1,545	2,219	2,004	85	2,274	2,188	5,026
State Senate District 32	172,378	170,037	161,541	2,060	622	4,929	41	844	2,342	2,713
State Senate District 33	177,499	174,846	162,641	2,716	559	5,865	72	2,993	2,653	10,513
STATE LEGISLATIVE										
Assembly District 1 (2010)	54,189	53,667	52,445	238	269	216	10	489	522	1,225
Assembly District 2 (2010)	61,009	60,287	57,352	345	349	1,156	14	1,071	722	2,170
Assembly District 3 (2010)	65,789	64,971	62,236	367	283	1,310	25	750	818	1,948
Assembly District 4 (2010)	54,953	53,957	50,354	1,158	836	1,112	17	470	996	1,379
Assembly District 5 (2010)	61,133	60,019	54,380	388	4,157	619	16	459	1,114	1,560
Assembly District 6 (2010)	55,963	55,127	52,019	138	2,130	210	17	615	836	1,306
Assembly District 7 (2010)	55,825	54,238	48,334	1,641	502	1,760	25	1,977	1,586	6,512
Assembly District 8 (2010)	54,616	51,879	25,413	6,000	978	1,371	33	18,084	2,737	38,054
Assembly District 9 (2010)	60,880	58,074	36,749	3,481	937	1,506	18	15,384	2,806	32,748
Assembly District 10 (2010)	51,418	49,844	11,499	36,612	233	434	11	1,061	1,575	2,874
Assembly District 11 (2010)	52,178	50,705	6,828	40,721	225	2,310	22	599	1,473	1,755
Assembly District 12 (2010)	55,275	53,239	19,098	29,284	237	3,917	27	676	2,036	2,074
Assembly District 13 (2010)	53,867	52,188	44,221	5,304	286	1,112	26	1,234	1,684	3,618
Assembly District 14 (2010)	52,656	51,707	47,657	1,544	177	1,752	31	546	949	1,973
Assembly District 15 (2010)	53,448	51,866	46,358	1,857	605	1,004	16	2,025	1,583	5,441
Assembly District 16 (2010)	52,510	51,166	15,386	32,864	265	1,426	20	1,205	1,341	3,114
Assembly District 17 (2010)	51,861	50,383	8,650	39,450	204	1,488	7	584	1,478	1,738
Assembly District 18 (2010)	48,387	46,727	11,101	30,447	292	3,587	7	1,313	1,660	3,407
Assembly District 19 (2010)	56,827	55,284	48,415	2,934	370	1,902	45	1,618	1,543	4,639
Assembly District 20 (2010)	54,999	53,365	47,736	1,394	551	1,447	22	2,215	1,634	7,006
Assembly District 21 (2010)	60,177	58,796	53,443	1,506	469	2,034	23	1,322	1,381	4,945
Assembly District 22 (2010)	53,017	51,931	44,319	5,038	113	2,131	14	316	1,086	1,644
Assembly District 23 (2010)	55,249	53,960	38,503	12,368	166	2,006	19	898	1,289	2,302
Assembly District 24 (2010)	57,065	56,340	53,006	1,362	141	1,591	6	734	725	1,180
Assembly District 25 (2010)	53,380	52,601	49,278	357	312	1,695	4	955	779	2,249
Assembly District 26 (2010)	52,721	51,417	43,952	900	242	4,517	12	1,794	1,304	4,949
Assembly District 27 (2010)	56,118	55,598	54,028	249	188	699	9	425	520	1,225
Assembly District 28 (2010)	59,273	58,462	56,958	182	721	242	10	349	811	962
Assembly District 29 (2010)	66,814	65,916	63,622	426	260	1,266	17	325	898	1,113
Assembly District 30 (2010)	66,575	65,586	63,737	441	259	766	21	362	989	1,235
Assembly District 31 (2010)	61,767	61,080	59,099	353	182	381	8	1,063	687	2,822
Assembly District 32 (2010)	60,152	59,199	54,551	477	207	478	24	3,462	353	7,877
Assembly District 33 (2010)	59,453	58,799	56,673	575	170	1,036	12	333	654	1,771
Assembly District 34 (2010)	53,812	53,117	49,884	182	2,683	243	6	119	695	626
Assembly District 35 (2010)	52,716	52,121	51,104	222	294	203	11	287	595	755
Assembly District 36 (2010)	50,804	49,992	42,942	202	6,447	135	28	238	812	888
Assembly District 37 (2010)	58,965	58,288	55,801	392	170	333	14	1,578	677	3,527
Assembly District 38 (2010)	59,797	59,145	57,403	361	162	389	23	817	652	2,472
Assembly District 39 (2010)	56,515	55,913	53,373	917	189	358	13	1,063	602	2,653

Assembly District 40 (2010)	55,223	54,733	53,541	183	265	231	6	527	490	1,477
Assembly District 41 (2010)	55,581	55,103	53,075	612	220	276	21	899	478	2,324
Assembly District 42 (2010)	57,978	57,233	54,578	840	671	385	21	738	745	2,219
Assembly District 43 (2010)	57,584	56,734	53,412	1,227	160	549	17	1,368	850	3,108
Assembly District 44 (2010)	53,057	51,838	48,298	1,523	180	665	20	1,155	1,221	3,130
Assembly District 45 (2010)	59,610	57,778	47,142	5,697	181	662	12	4,084	1,832	7,151
Assembly District 46 (2010)	65,837	64,464	59,713	2,292	164	1,638	32	627	1,373	2,015
Assembly District 47 (2010)	61,697	60,996	59,033	484	176	553	24	726	701	1,856
Assembly District 48 (2010)	61,402	59,682	52,616	3,473	281	1,477	24	1,811	1,720	4,074
Assembly District 49 (2010)	55,522	55,174	53,897	591	115	322	7	242	348	699
Assembly District 50 (2010)	59,182	58,558	56,440	692	688	278	10	450	624	1,482
Assembly District 51 (2010)	57,687	57,167	55,616	185	179	248	8	931	520	1,816
Assembly District 52 (2010)	56,377	55,437	51,899	1,150	334	880	7	1,207	940	3,136
Assembly District 53 (2010)	59,677	58,133	54,802	2,711	400	869	45	306	544	1,092
Assembly District 54 (2010)	54,863	53,927	50,693	849	324	1,645	11	405	938	1,546
Assembly District 55 (2010)	54,157	53,157	49,256	781	403	1,219	19	1,479	1,000	3,242
Assembly District 56 (2010)	67,841	67,100	63,867	452	247	1,587	30	917	741	2,002
Assembly District 57 (2010)	53,998	52,959	47,364	941	405	3,144	22	1,077	1,046	2,524
Assembly District 58 (2010)	60,111	59,313	57,735	409	197	414	16	542	798	1,732
Assembly District 59 (2010)	58,836	58,391	56,548	724	186	363	32	518	445	1,246
Assembly District 60 (2010)	57,434	56,806	55,220	499	159	634	8	288	626	1,233
Assembly District 61 (2010)	51,968	49,876	31,014	12,309	243	398	13	5,901	2,092	11,514
Assembly District 62 (2010)	55,888	54,223	42,028	8,159	232	755	21	3,028	1,663	7,050
Assembly District 63 (2010)	58,881	58,039	55,244	1,150	227	753	14	651	842	2,554
Assembly District 64 (2010)	56,844	54,631	42,286	6,672	407	593	17	4,756	2,213	10,581
Assembly District 65 (2010)	61,608	59,717	51,933	3,713	248	1,304	50	2,469	1,891	6,836
Assembly District 66 (2010)	61,567	60,706	57,950	864	207	615	22	1,048	861	3,236
Assembly District 67 (2010)	58,722	58,143	56,946	350	201	433	7	206	579	696
Assembly District 68 (2010)	59,129	58,211	54,887	456	281	2,335	13	239	918	907
Assembly District 69 (2010)	59,107	58,783	56,307	738	262	321	22	1,133	324	2,028
Assembly District 70 (2010)	53,911	53,388	51,792	208	349	636	8	397	523	1,123
Assembly District 71 (2010)	57,415	56,544	53,588	366	223	1,838	13	616	771	1,944
Assembly District 72 (2010)	55,757	55,084	52,326	831	475	905	9	538	673	1,592
Assembly District 73 (2010)	54,962	53,576	51,218	525	1,298	403	10	124	1,386	636
Assembly District 74 (2010)	52,623	51,123	44,636	172	6,003	170	5	138	1,500	758
Assembly District 75 (2010)	54,961	54,324	52,744	435	641	259	4	241	637	956
Assembly District 76 (2010)	61,596	59,650	47,764	5,167	290	3,497	19	2,913	1,945	6,078
Assembly District 77 (2010)	51,957	50,468	40,401	2,708	194	6,245	8	910	1,491	2,749
Assembly District 78 (2010)	55,031	53,285	42,556	4,790	280	3,347	20	2,293	1,746	5,171
Assembly District 79 (2010)	76,116	74,547	66,655	2,399	169	3,864	20	1,480	1,569	3,673
Assembly District 80 (2010)	80,352	59,722	58,278	319	120	342	15	648	630	1,652
Assembly District 81 (2010)	61,347	59,798	51,810	3,951	232	2,413	29	1,383	1,549	3,229
Assembly District 82 (2010)	60,035	59,124	53,734	2,050	228	2,625	11	476	911	2,761
Assembly District 83 (2010)	61,206	60,596	59,500	216	136	456	28	259	611	1,518
Assembly District 84 (2010)	56,225	55,570	52,486	487	176	1,955	16	451	655	1,926
Assembly District 85 (2010)	54,840	53,769	47,601	594	368	4,766	11	429	1,071	1,371
Assembly District 86 (2010)	59,763	59,214	56,153	206	247	2,208	6	394	549	938
Assembly District 87 (2010)	52,707	52,215	51,377	160	191	180	73	234	492	705
Assembly District 88 (2010)	58,089	56,353	43,877	2,211	1,642	2,510	44	6,069	1,736	10,470
Assembly District 89 (2010)	58,999	58,448	57,305	157	430	322	6	229	550	767
Assembly District 90 (2010)	56,344	54,768	47,850	1,634	1,942	1,810	22	1,510	1,576	3,536
Assembly District 91 (2010)	56,638	56,198	54,482	142	139	175	6	1,254	436	2,066
Assembly District 92 (2010)	58,894	58,022	54,313	888	1,816	305	55	645	872	1,841
Assembly District 93 (2010)	57,822	56,944	54,242	515	264	1,524	24	375	878	1,119
Assembly District 94 (2010)	62,641	61,886	58,827	449	204	2,197	19	190	755	750
Assembly District 95 (2010)	53,998	52,878	48,646	1,168	294	2,549	12	207	1,122	1,038
Assembly District 96 (2010)	55,740	55,275	54,068	443	124	183	10	447	465	925
Assembly District 97 (2010)	57,299	56,067	50,333	1,429	245	1,781	26	2,253	1,232	7,661
Assembly District 98 (2010)	55,450	55,677	51,442	710	116	3,082	30	297	773	1,311
Assembly District 99 (2010)	63,750	63,102	60,866	577	198	1,002	16	443	648	1,541

Source: U.S. Census Bureau, 2010 Census  
 2010 Census Redistricting Data (Public Law 94-171) Summary File, Tables P1 and P2

# **Exhibit B**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ALVIN BALDUS, CINDY BARBERA, CARLENE  
BECHEN, ELVIRA BUMPUS, RONALD BIENDSEIL,  
LESLIE W. DAVIS III, BRETT ECKSTEIN, GLORIA  
ROGERS, RICHARD KRESBACH, ROCHELLE  
MOORE, AMY RISSEEUW, JUDY ROBSON, JEANNE  
SANCHEZ-BELL, CECELIA SCHLIEPP, TRAVIS  
THYSSEN,

Plaintiffs,

v.

Civil Action  
File No. 11-cv-562  
(Three-judge panel/request  
pending)

Members of the Wisconsin Government Accountability  
Board, each only in his official capacity:  
MICHAEL BRENNAN, DAVID DEININGER,  
GERALD NICHOL, THOMAS CANE,  
THOMAS BARLAND, and TIMOTHY VOCKE, and  
KEVIN KENNEDY, Director and General Counsel for the  
Wisconsin Government Accountability Board,

Defendants.

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**FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

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The plaintiffs, for their amended complaint, under 42 U.S.C. § 1983 and 28 U.S.C.  
§ 2284(a)—and, as a matter of course, under Rule 15(a)(1)(B), Fed. R. Civ. P.—allege that:

**SUMMARY**

This is an action for a declaratory judgment and for injunctive relief, involving the rights  
of the plaintiffs under the U.S. Constitution and the Wisconsin Constitution and the now  
legislatively-mandated configuration of the eight congressional districts, 33 senate districts and  
99 assembly districts in the State of Wisconsin for 2012 and beyond. These districts—

established by the state legislature in legislation adopted on July 19 and 20, 2011, to be signed by the Governor—are unconstitutional.

This case arises under the U.S. Constitution, Article I, Section 2, and the First, Fifth and Fourteenth Amendments, Sections 1, 2 and 5; under 42 U.S.C. §§ 1983 and 1988; under the Voting Rights Act, 42 U.S.C. § 1973; and, under article IV, sections 3 through 5 of the Wisconsin Constitution. This amended complaint supersedes the complaint filed on June 10, 2011, before the adoption by the legislature of new state legislative and Congressional district boundaries. The plaintiffs file it as of right under Rule 15, Fed. R. Civ. P.<sup>1</sup>

The plaintiffs seek a declaratory judgment that:

- The redistricting legislation just adopted violates the constitutional requirements that legislative districts be substantially equal in population while maintaining contiguity, compactness, communities of interest, and core district populations and that they be based upon county, precinct, town or ward lines;
- The legislation violates the state constitution in that it disenfranchises nearly 300,000 citizens by unnecessarily extending, for them, the time between elections of state senators from four to six years;
- The Congressional redistricting legislation violates the constitutional requirement that districts be compact and preserve communities of interest;
- Both the Congressional and legislative redistricting legislation violate the First and Fourteenth Amendments in that the districts reflect deliberate, systematic and impermissible partisan gerrymandering and impinge upon freedom of association by penalizing voters and elected representatives solely because of their political affiliation and beliefs;
- The legislation violates the statutory and constitutional prohibitions against using race as a predominant factor in creating district boundaries; and,
- The Congressional and legislative redistricting legislation cannot be justified as furthering any legitimate state interest and is, therefore, unconstitutional.

Upon such declarations, the plaintiffs request injunctive relief prohibiting any elections from being conducted under the Congressional and state legislative boundaries created by the

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<sup>1</sup> The defendants filed a responsive pleading on June 30, 2011, not more than 21 days before this pleading.

legislature. Plaintiffs further request that in the event valid boundaries are not enacted in sufficient time for the 2012 candidate qualifying period and elections according to the statutory schedule, the Court formulate and implement Congressional and state legislative districts that comport with constitutional and statutory requirements.

### **JURISDICTION**

1. This Court has jurisdiction under 28 U.S.C. §§ 1331, 1343(a)(3) and (4), 1357 and 2284 to hear the claims for legal and equitable relief arising under the federal constitution and federal law and supplemental jurisdiction under 28 U.S.C. § 1367 to hear claims under the state constitution and state law. It also has general jurisdiction under 28 U.S.C. §§ 2201 and 2202, the Declaratory Judgments Act, to grant the declaratory relief requested.

2. This action challenges the constitutionality of the legislatively-adopted boundaries for the state's Congressional and legislative districts, found in chapters 3 and 4 of the Wisconsin Statutes. While these Congressional and state legislative district boundaries are based on the 2010 census, they nevertheless are unconstitutional and violate state and federal law.

3. Accordingly, 28 U.S.C. § 2284(a) requires that a district court of three judges be convened or reconvened to hear the case. In 1982, 1992 and 2002, three-judge panels convened pursuant to 28 U.S.C. § 2284 resolved complaints like this one, developing redistricting plans for the state legislature in the absence of valid plans enacted into law.

### **VENUE**

4. Venue is properly in this Court under 28 U.S.C. § 1391(b) and (e). At least one of the defendants resides in the Eastern District of Wisconsin. In addition, at least nine of the individual plaintiffs reside and vote in this district.

## PARTIES

### *Plaintiffs*

5. The plaintiffs are citizens, residents and qualified voters of the United States and the State of Wisconsin, residing in various counties and Congressional and legislative districts (as now re-established by the legislation adopted by the state legislature). Regardless of their place of residence, their rights are harmed or threatened with harm by political district boundaries that violate federal and state law.

a. Alvin Baldus, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of Menomonie, Dunn County, Wisconsin, with his residence in the 3rd Congressional District, 67th Assembly District and 23rd Senate District as those districts have been established by the Wisconsin legislature.

b. Cindy Barbera, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the City of Madison, Dane County, Wisconsin, with her residence in the 2nd Congressional District, 78th Assembly District and 26th Senate District as those districts have been established by the legislature.

c. Carlene Bechen, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the Village of Brooklyn, Dane County, Wisconsin, with her residence in the 2nd Congressional District, 80th Assembly District and the 27th Senate District as those districts have been established by the legislature.

d. Elvira Bumpus, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the City of Racine, Racine County, Wisconsin, with her residence in the 1st Congressional District, 66th Assembly District and 22nd Senate District as those districts have been established by the legislature.

e. Ronald Biendseil, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of Middleton, Dane County, Wisconsin, with his residence in the 2nd Congressional District, 79th Assembly District and 27th Senate District as those districts have been established by the legislature.

f. Leslie W. Davis III, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the City of Stoughton, Dane County, Wisconsin, with his residence in the 2nd Congressional District, 46th Assembly District and 16th Senate District as those districts have been established by the legislature.

g. Brett Eckstein, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the Village of Sussex, Waukesha County, Wisconsin, with his residence in the 5th Congressional District, 22nd Assembly District and 38th Senate District as those districts have been established by the legislature.

h. Gloria Rogers, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the City of Racine, Racine County, Wisconsin, with her residence in the 1st Congressional District, 64th Assembly District and the 22nd Senate District as those districts have been established by the legislature.

i. Richard Kresbach, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the Village of Wales, Waukesha County, Wisconsin, with his residence in the 1st Congressional District, 99th Assembly District and the 33rd Senate District as those districts have been established by the legislature.

j. Rochelle Moore, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the City of Kenosha, Kenosha County,

Wisconsin, with her residence in the 1st Congressional District, 64th Assembly District and the 22nd Senate District as those districts have been established by the legislature.

k. Amy Risseeuw, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the Town of Menasha, Outagamie County, Wisconsin, with her residence in the 8th Congressional District, 3rd state Assembly District and 1st Senate District as those districts have been established by the legislature.

l. Judy Robson, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the City of Beloit, Rock County, Wisconsin, with her residence in the 2nd Congressional District, 31st Assembly District and 11th Senate District as those districts have been established by the legislature. Ms. Robson, then a State Senator, was a plaintiff in *Baumgart v. Wendelberger*, Nos. 01-121 and 02-366, 2002 WL 34127471 (E.D. Wis. May 30, 2002), *amended by* 2002 WL 34127473 (E.D. Wis. July 11, 2002), the case in which this Court established legislative districts in the absence of a valid redistricting statute adopted in 2002 by the state legislature. She has filed a motion under Rule 60(b), Fed. R. Civ. P., for relief from the judgment in that case, asking the Court to provide substantially the same relief requested in this amended complaint.

m. Jeanne Sanchez-Bell, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the City of Kenosha, Kenosha County, Wisconsin, with her residence in the 1st Congressional District, 65th Assembly District and 22nd Senate District as those districts have been established by the legislature.

n. Cecelia Schliepp, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the Town of Erin, Washington County, Wisconsin, with her residence in the 5th Congressional District, 22nd Assembly District and the 8th Senate District as those districts have been established by the legislature.

o. Travis Thyssen, a citizen of the United States and of the State of Wisconsin, is a resident and registered voter of the Town of Grand Chute, Outagamie County, Wisconsin, with his residence in the 8th Congressional District, 56th Assembly District and the 19th Senate District as those districts have been established by the legislature.

***Defendants***

6. Michael Brennan, resident of Marshfield, Wisconsin; David Deininger, resident of Monroe, Wisconsin; Gerald Nichol, resident of Madison, Wisconsin; Thomas Cane, resident of Wausau, Wisconsin; Thomas Barland, resident of Eau Claire, Wisconsin; and, Timothy Vocke, resident of Rhinelander, Wisconsin, each named as a defendant personally and individually but only in his official capacity, are all members of the Wisconsin Government Accountability Board ("G.A.B."). Kevin Kennedy, resident of Dane County, Wisconsin, also named only in his official capacity, is the Director and General Counsel for the G.A.B.

a. The G.A.B. is an independent state agency under section 15.60 of the Wisconsin Statutes. The G.A.B. has "general authority" over and the "responsibility for the administration of ... [the state's] laws relating to elections and election campaigns," Wis. Stat. § 5.05(1) (2009-10), including the election every two years of Wisconsin's representatives in the assembly and every four years its representatives in the senate. It also has general responsibility for the administration of laws involving the election, every two years, of the eight members of the Wisconsin Congressional delegation.

b. Among its statutory responsibilities, the G.A.B. must notify each county clerk by the second Tuesday in May of an election year, under Wis. Stat. §§ 10.01(2)(a) and 10.72, of the date of the primary and general elections and the offices to be filled at those elections by the voters. The G.A.B. also transmits to each county clerk a certified list of candidates for whom the voters of that county may vote. Wis. Stat. § 7.08(2).

c. The G.A.B. issues certificates of election under section 7.70(5) of the Wisconsin Statutes to the candidates elected to serve in the senate and assembly and in the U.S. House of Representatives. The G.A.B. also provides support to local units of government and their public employees, including the county clerks in each of Wisconsin's 72 counties, in administering and preparing for the election of members of the legislature and the U.S. House of Representatives. For purposes of the state's election law, the counties and their clerks are agents for the state and for the G.A.B.

#### **CONSTITUTIONAL AND STATUTORY PROVISIONS / FACTS**

7. The federal constitution requires that the members of Congress be elected from districts with equal populations. The state constitution requires that state legislative districts be "substantially equal" in population, and both Congressional and legislative districts must ensure continuity, compactness and, to at least a limited extent, competitiveness.

8. The U.S. Constitution, in Article 1, Section 2, provides, in part, that "Representatives ... shall be apportioned among the several states ... according to their respective numbers...." It further provides that "[t]he House of Representatives shall be composed of members chosen every second year by the people of the several states...." These provisions, as construed by the U.S. Supreme Court, establish a minimum constitutional guarantee of "one-person, one-vote."

9. The Due Process Clause of the Fifth Amendment provides that “[n]o person shall ... be deprived of life, liberty, or property, without due process of law.”

10. The Equal Protection Clause provides, in pertinent part:

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

This provision guarantees to the citizens of each state, among other rights, the right to vote in state and federal elections, guaranteeing as well that the vote of each citizen shall be equally effective with the vote of any and every other citizen.

11. Article IV, section 3, of the Wisconsin Constitution requires that the legislature “apportion and district anew” its senate and assembly districts following each federal census “according to the number of inhabitants.”

12. The state constitution also requires that legislative districts be “bounded by county, precinct, town or ward lines, [ ] consist of contiguous territory and be in as compact form as practicable.” Wis. Const. art. IV, § 4. The constitution further requires that state senators “shall be chosen” by the voters every four years.

13. Pursuant to 2 U.S.C. § 2a, the President transmits to Congress, based on the decennial census, “the number of persons in each State” and “the number of Representatives to which each State would be entitled under an apportionment of the then existing number of Representatives....” Under 2 U.S.C. § 2c, “there shall be established by law a number of districts equal to the number of Representatives to which such State is so entitled, and Representatives shall be elected only from districts so established....”

14. The Bureau of the Census, U.S. Department of Commerce, conducted a decennial census in 2010 of Wisconsin and of all the other states under Article I, Section 2, of the U.S. Constitution.

15. Under 2 U.S.C. §§ 2a and 2c and 13 U.S.C. § 141(c), the Census Bureau on December 21, 2010 announced and certified the actual enumeration of the population of Wisconsin at 5,686,986 as of April 1, 2010, a slight population increase from the 2000 census. A copy of the Census Bureau's Apportionment Population and Number of Representatives, by state, is attached as Exhibit A.

### *Legislative Districts*

16. Based on the April 2010 census, the precise ideal population for each senate district in Wisconsin is 172,333 and for each assembly district 57,444 (each a slight increase from 2000).

17. Article IV, section 3, of the Wisconsin Constitution gives the legislature the primary responsibility for enacting a constitutionally-valid plan for legislative districts. The Governor soon will sign into law new legislative district boundaries incorporated in the legislation, Senate Bills 148 and 149, approved by the legislature on July 19 and 20, 2011.

a. The 2010 census populations in the newly adopted senate districts range from a low of 171,722 (611 fewer than the ideal population, the 18th Senate District) to a high of 172,798 (465 more than the ideal population, the 30th Senate District). Thus, the total population deviation, from the most populous to the least populous district, is 1,076 persons.

b. The 2010 census populations in newly adopted assembly districts range from a low of 57,220 (224 fewer than the ideal population, the 1st Assembly District) to a high of 57,658 (214 more than the ideal population, the 45th Assembly District). Thus,

the total population deviation, from the most populous to the least populous district, is 438 persons.

18. The redistricting legislation was drafted on behalf of the majority party's leadership in the assembly and senate and first released to the public on July 8, 2011.

19. The public aspects of the redistricting process were completed in just 12 days:

a. On July 13, 2011, the legislature held the first and only public hearing to take testimony on the redistricting legislation.

b. The Senate Judiciary Committee adopted the redistricting proposal, with minor amendments, and companion legislation on July 15, 2011.

c. The senate approved the amended legislative redistricting proposal and companion legislation on July 19, 2011, and the assembly approved them on July 20, 2011. They await the Governor's signature. A copy of the amendment to redistricting legislation is attached as Exhibit B. (Copies of the original proposals were provided to this Court as Exhibits 1 and 2 attached to correspondence from defendants' counsel on July 14, 2011.)

20. At all times relevant to the redistricting process, state law established the procedures for redistricting under which local governments were first required to draw local political and ward boundaries. Wis. Stat. §§ 5.15(1)(b) and 59.10(3)(b) (2009-10). However, a companion bill, also passed on July 19 and 20, now requires local communities to draw or re-draw their local political boundaries to conform with state legislative redistricting, making it impossible for the new districts "to be bounded by county, precinct, town or ward lines ..." as the state constitution requires. A copy of this legislation is attached as Exhibit C.

*Congressional Districts*

21. Based on the April 2010 Census, the precise ideal population for each Congressional District in Wisconsin is 710,873.

22. The state legislature has the primary responsibility—under Article I, Sections 2 and 4, and the Fourteenth Amendment, section 2, of the U.S. Constitution and under 2 U.S.C. § 2c—to enact a constitutionally-valid plan establishing the boundaries for the state's eight Congressional districts.

23. On July 19 and 20, the Wisconsin legislature adopted Congressional district boundaries based on the 2010 census. Congressional redistricting resulted from the same legislative process and schedule described in paragraphs 18 and 19 above.

24. The new Congressional districts have minimal total population deviations.

**CLAIMS FOR RELIEF**

25. While the new political districts contain small population deviations, the district boundaries violate the U.S. and Wisconsin constitutional and statutory requirements that each district be compact, preserve the core population of prior districts, and preserve communities of interest—while still containing equal population.

26. The legislatively-adopted redistricting boundaries impermissibly discriminate against the plaintiffs in the political process, and the use of those boundaries for elections in 2012 and beyond will deny the plaintiffs the opportunity for fair and effective representation in their state government and in their Congressional districts.

## FIRST CLAIM

### **Legislative Boundaries Unconstitutionally Sacrifice Redistricting Principles**

27. Plaintiffs incorporate by reference the allegations in paragraphs 1 through 26 above.

28. Although population equality is a primary constitutional goal in establishing legislative districts, it is not the only constitutional or statutory goal.

29. The federal and state constitutions require that legislative districts be apportioned with equal populations while the state constitution also ensures that the districts are compact, preserve core populations from prior districts, and preserve communities of interest. The state constitution also requires that legislative districts be based on districts first drawn by local units of government.

30. Whether or not the population deviations in the new legislative districts are acceptable in a vacuum, the new districts wholly and impermissibly ignore other redistricting requirements.

a. They are not geographically compact—in fact, significantly less so than the 2002 boundaries. Legislative districts have taken bizarre shapes, especially compared to their 2002 counterparts, including but not necessarily limited to Assembly Districts 6, 34, 37, 43, 45, 62, 64, 70, 87 and 93 and Senate Districts 8, 21 and 24. *See* Exhibit D, comparing the Racine/Kenosha districts to their 2002 counterparts.

b. They do not preserve core populations from prior districts. Based on the 2010 census, 323,026 individuals needed to move assembly districts; the new legislation moves 2,357,592 individuals—two million more than necessary—into new assembly

districts. (In contrast, the 2002 boundaries retained 76.7 percent of the core populations from the prior district.) For example:

i. According to the 2010 census, AD 81 was required to lose only 3,907 individuals to meet the ideal population; the new legislation removes 57,932 individuals from and adds 53,984 individuals to the district.

ii. The 2010 census disclosed that AD 33 should have been reduced by 2,016 individuals; the new legislation removes 54,763 individuals from the district and adds 52,868 individuals from other districts.

iii. Based on the 2010 census, AD 62 needed to gain only 1,558 individuals to meet the ideal population; the new legislation removes 50,983 individuals from the district and adds 52,442 individuals from other districts.

iv. AD 37 was required to lose 1,521 individuals, according to the 2010 census; the new legislation removes 52,142 individuals from the district and adds 50,684 individuals.

v. AD 76 needed to lose 4,103 individuals to meet the ideal population; the new legislation removes 54,583 individuals and adds 50,653 individuals.

c. Similarly, the 2010 census disclosed that 231,341 individuals needed to shift senate districts; the new legislation, however, moves 1,205,216 individuals. These unnecessary changes to the core populations include but are not limited to:

i. According to the 2010 census results, SD 22, bordered on the east by Lake Michigan, had 7,686 individuals more than the ideal population; the new

legislation adds 66,837 individuals from a different district and removes 74,586 individuals from the existing district.

ii. The 2010 census revealed SD 21, which used to border SD 22 to the north, needed to increase by 5,598 individuals; the new legislation adds 72,431 individuals to the district and removes 66,842 from its core 2002 population.

iii. SD 17, bordered on the west by Minnesota and on the south by Illinois, did not need to lose any of its population; the 2010 census disclosed that its population was only 58 individuals above the ideal population—statistically insignificant. The new legislation nonetheless adds 19,666 new individuals to the district and removes 19,507 individuals from the 2002 district.

iv. Like its neighboring district, SD 32 runs along the Mississippi River on the western border of the state. This district also did not need to be changed as the 2010 census disclosed its population at 46 individuals above the ideal population. The new legislation, however, adds 3,458 individuals to the district and removes 3,715.

v. Also bordered by the Mississippi River to the west and SD 32 to the south, SD 31 was 1,034 over the ideal population, according to the 2010 census. The new legislation nevertheless adds 50,132 individuals and removes 51,161 from its 2002 population.

vi. SD 7 is in the City of Milwaukee and borders Lake Michigan to the east. According to the 2010 census, SD 7 also did not need to change; it was only 330 below the ideal population. However, the new legislative proposal adds

13,741 individuals to the district and removes 13,321 from the 2002 district population.

31. The new legislative districts do not preserve communities of interest and instead needlessly divide cities and other local government units. For example:

a. The boundaries unnecessarily fracture the "Clark Square" neighborhood in Milwaukee by drawing the district boundary between the 8th and 9th Assembly Districts along Cesar Chavez Drive.

b. The assembly and senate districts in Racine and Kenosha Counties unnecessarily fracture the communities. The City of Racine is split into six different assembly districts, including one that stretches into the City of Kenosha (AD 64) and another that stretches west to Wind Lake and the Racine County line (AD 62). The legislation also ignores the traditional and historical representation afforded to the two counties, combining the cities into one senate district while another senate district is spread across the rural parts of both counties. While communities of interest are fractured, communities that have little in common are combined. Residents of Racine have little in common with, and rely on very different government services compared to, for example, the residents of Wind Lake.

c. In the Fox Valley, the City of Appleton, a majority of which has traditionally been contained within one assembly district (AD 57), was split in half with the northern half of the city now in the 56th Assembly District, which stretches west beyond the Outagamie County line and to the Winnebago County line. Residents of the City of Appleton have little in common with residents of, for example, Norwegian Bay on Lake Poygan.

d. The City of Beloit has traditionally and historically been contained within one assembly district (AD 45). The legislation splits the city in half with the western part of the city falling within AD 45 and the eastern portion within AD 31. This also places the City of Beloit in separate senate districts (SD 15 on the west and SD 11 on the east). The residents of the City of Beloit, which has the highest unemployment rate in the state, have very little in common with residents of, for example, Lake Geneva.

e. In Milwaukee County, three assembly districts that had historically been contained within Milwaukee County are now stretched from the edge of that county well into Waukesha County.

32. If not otherwise enjoined or directed, the G.A.B. will carry out its statutory responsibilities involving the 2012 state legislative elections based on the impermissibly-drawn boundaries, which will harm the plaintiffs by violating their constitutional rights.

33. In the absence of the legislatively-enacted and constitutionally-permissible districts, any elections conducted under the G.A.B.'s supervision will deprive the individual plaintiffs of their civil rights under color of state law in violation of 42 U.S.C. §§ 1983 and 1988.

## SECOND CLAIM

### **The Legislation Does Not Recognize Local Government Boundaries.**

34. Plaintiffs incorporate by reference the allegations in paragraphs 1 through 33 above.

35. The state constitution requires that, to the extent possible, wards and municipalities be kept whole within legislative district boundaries. It mandates that they be "bounded" by lines drawn for local political units. The new districts are not bound by county, precinct, town or ward lines already established by local governments. Some are unnecessarily

divided. The legislation splits significantly more counties, municipalities and wards than the 2002 boundaries. The districts in Racine, Kenosha, Appleton, Beloit and Milwaukee, discussed above in paragraphs 31a through e, are examples of these divides.

36. In creating district boundaries, the legislation ignores local boundaries already established by local government boundaries and in the process of being established violating the state constitution. Instead, the legislature changed the state law in an attempt to force local municipalities to make their districts conform to the state's plan, violating the state constitution. *See Exhibit C; supra*, ¶ 20.

37. If not otherwise enjoined or directed, the G.A.B. will carry out its statutory responsibilities involving the 2012 state legislative elections based on the impermissibly-drawn boundaries, which will harm the plaintiffs by violating their constitutional rights.

38. In the absence of the legislatively-enacted and constitutionally-permissible districts, any elections conducted under the G.A.B.'s supervision will deprive the individual plaintiffs of their civil rights under color of state law in violation of 42 U.S.C. §§ 1983 and 1988.

### **THIRD CLAIM**

#### **Legislative Districts Unnecessarily Disenfranchise 300,000 Wisconsin Citizens**

39. Plaintiffs incorporate by reference the allegations in paragraphs 1 through 38 above.

40. State senators are elected to four-year terms. Senators from even-numbered districts are elected in years corresponding to the presidential election cycle; senators in odd-numbered districts are elected during mid-term elections.

41. In 2012, if voters are shifted from odd to even senate districts, they will face a two-year delay in electing their state senator. They are disenfranchised, unnecessarily and

unconstitutionally, by being deprived of the opportunity to vote, as the state constitution requires, every four years for a senator to represent them.

42. The districts adopted by the state legislature unconstitutionally disenfranchise at least 299,533 citizens.

a. In two even-numbered senate districts (SD 2 and SD 32), although the 2010 census disclosed that only a few individuals (if any) needed to be moved, thousands of individuals were unnecessarily moved into odd-numbered districts. For example, Senate District 2 needed to gain 286 individuals, yet 19,859 individuals were moved out of the district and into Senate District 1 (which needed to *lose* 8,656 individuals).

b. In other even-numbered senate districts (SD 12, SD 14 and SD 24), although the 2010 census disclosed that the districts needed an increase in population, thousands of individuals were unnecessarily moved out of those districts and into odd-numbered districts. For example, Senate District 14 needed to gain 3,554 individuals, yet 33,046 were unnecessarily moved to Senate District 27 (which needed to *lose* 25,541 individuals).

c. In other senate districts (SD 16, SD 20, SD 22 and SD 28), although the 2010 census disclosed that the districts needed some decrease in population, the populations of these districts were decreased in substantially larger numbers than necessary to achieve equal population. For example, Senate District 22 needed to lose only 7,686 individuals and, instead, 72,431 individuals were moved out of the district and into Senate District 21 (which needed to gain only 5,598 individuals).

d. Finally, although Senate District 10 needed to lose 20,314 individuals, 19,360 of the individuals who were moved out of the district were moved into Senate District 31, which needed to *lose* 1,034 individuals.

43. If not otherwise enjoined or directed, the G.A.B. will carry out its statutory responsibilities involving the 2012 state legislative elections based on the impermissibly-drawn boundaries, which will harm the plaintiffs by violating their constitutional rights.

44. In the absence of the legislatively-enacted and constitutionally-permissible districts, any elections conducted under the G.A.B.'s supervision will deprive the individual plaintiffs of their civil rights under color of state law in violation of 42 U.S.C. §§ 1983 and 1988.

#### **FOURTH CLAIM**

##### **Congressional Districts Are Not Compact and Fail to Preserve Communities of Interest.**

45. Plaintiffs incorporate by reference the allegations in paragraphs 1 through 44 above.

46. The federal and state constitutions require that political districts be compact and preserve communities of interest.

47. The compactness of a district refers both to the shape of the district as well as to the ability of citizens to relate to each other and their elected representative and the ability of the representative to relate to his or her constituents.

48. The Congressional Districts fail to meet constitutional standards of compactness.

a. The 7th Congressional District unnecessarily spans a vast area—from Superior in the northwest to just north of Madison in the south and east into Forest County.

b. The 3rd Congressional District similarly and unnecessarily spans from the far southwest corner of the state north almost to the Twin Cities and west to the center of the state.

c. The large expanse covered by these districts results in districts that are difficult and quite costly for residents to effectively communicate with their representative in Congress and for the elected member to effectively communicate with his or her constituents.

49. A related principle is that communities of interest be preserved. A “community of interest” refers to local government units and tribal boundaries and also includes considerations of a citizen’s ethnicity, cultural affinity and traditional geographical boundaries, historical political representation, and the community’s need for government services.

50. Fracturing communities of interest adversely affects the ability of citizens to relate to each other and to their representatives.

51. The Congressional Districts created by the legislature impermissibly divide communities of interest:

a. Fox Valley Area: The new legislation unnecessarily fractures the Fox Valley area. The City of Appleton is split between the 8th and 6th Congressional Districts, and the Cities of Neenah and Menasha are separated from the remaining Fox Valley municipalities.

b. Milwaukee Area: Milwaukee County is now fractured into four separate districts, compared with the 2002 boundaries where the county was represented by only three members of Congress.

52. If not otherwise enjoined or directed, the G.A.B. will carry out its statutory responsibilities involving the 2012 Congressional elections based on the impermissibly-drawn boundaries, which will harm the plaintiffs by violating their constitutional rights.

53. In the absence of the legislatively-enacted and constitutionally-permissible districts, any elections conducted under the G.A.B.'s supervision will deprive the individual plaintiffs of their civil rights under color of state law in violation of 42 U.S.C. §§ 1983 and 1988.

#### **FIFTH CLAIM**

##### **Congressional and Legislative Districts Constitute Unconstitutional Gerrymandering**

54. Plaintiffs incorporate by reference the allegations in paragraphs 1 through 53 above.

55. The Equal Protection Clause and the First Amendment require that all citizens have an equally effective opportunity to elect their representatives and prohibit vote dilution in the form of partisan gerrymandering that substantially disadvantages voters of one party in their opportunity to influence the political process.

56. The majority's legislative leadership deliberately and systematically created Congressional and legislative districts to give their political party an unfair electoral advantage in an attempt to preserve their political majorities and minimize the electoral prospects for the minority party. For example:

a. For the last decade and more, Wisconsin's statewide partisan elections have been close, with four of the last five statewide Presidential and gubernatorial elections slightly favoring the Democratic candidates. Applying the election results from these five recent elections to the new political boundaries, however, would give Republicans 54 seats in the 99-seat assembly.

b. Using the results from 2004, when the Presidential election results were virtually even, under the new boundaries Republicans would have won 58 assembly seats.

57. The new Congressional and legislative districts will, consistently and impermissibly, degrade the influence of minority party voters on the political process as a whole. Under the legislation, Democrats have little chance of attaining and retaining a majority in either the senate or the assembly, or in the Congressional delegation, giving them little ability to overcome minority status at any point over the next decade.

58. The legislation places incumbents in shared legislative districts in a way that will likely result in the loss of at least five Democratic seats, with four additional Democratic incumbents able to retain a seat only if they move to an adjacent Democratic-leaning district. In contrast, no Republican incumbent will lose a seat and only two Republican incumbents would need to move to an adjacent, open Republican-leaning district. Under these boundaries, the assembly may go from a 59-39 Republican majority to a 64-34 Republican majority in 2012.

59. Plaintiffs in districts held by Democrats have been—and, as a result of the new legislation, will continue to be—denied fair representation in the state legislature and Congress in 2012 and beyond.

a. The minority party was denied a fair chance to participate in the redistricting process.

b. The minority party in the state legislature has been similarly denied access to the political process throughout the 2011-12 legislative term. Plaintiffs and other Wisconsin residents also have been precluded from meaningful participation in the

legislative process. As a result, plaintiffs have been unable to fully participate in the public debate on which the political system depends.

60. If not otherwise enjoined or directed, the G.A.B. will carry out its statutory responsibilities involving the 2012 state legislative elections based on the impermissibly-drawn boundaries, which will harm the plaintiffs by violating their constitutional rights.

61. In the absence of the legislatively-enacted and constitutionally-permissible districts, any elections conducted under the G.A.B.'s supervision will deprive the individual plaintiffs of their civil rights under color of state law in violation of 42 U.S.C. §§ 1983 and 1988.

#### **SIXTH CLAIM**

##### **Legislative Districts Unconstitutionally Use Race As A Predominant Factor**

62. Plaintiffs incorporate by reference the allegations in paragraphs 1 through 61 above.

63. The Voting Rights Act, 42 U.S.C. § 1973, precludes a state from minimizing the opportunities for minority groups to participate in the political process. Among other things, it precludes "packing" minorities into legislative districts and from fracturing minorities into several districts to dilute their influence.

64. Federal law requires newly-drawn districts to reflect communities of interest along with race. Federal law further requires state legislatures to establish districts, where possible, with the minority citizens comprising a numerical majority of the citizen voting age population.

65. Although the new legislative boundaries establish minority-majority and minority influence districts, they do so by unnecessarily shifting populations, fracturing communities that

have historically been represented by the same representative, and combining new communities without regard for any factors other than, on their face, race.

66. Under the new legislation, African Americans have less opportunity than other members of the electorate to participate in the political process:

- a. Racial bloc voting is pervasive in the City of Milwaukee among both majority and African American groups.
- b. African Americans comprise a sufficiently large and geographically compact group to constitute a majority of the voting age population in at least seven assembly districts.
- c. The new legislation creates only six assembly districts where a majority of the voting age population is African American.
- d. At least one additional assembly district comprised of a majority of African Americans of voting age population can be established in the City of Milwaukee without violating constitutional requirements.
- e. The failure to create at least seven assembly districts with minority-majority populations violates section 2 of the Voting Rights Act of 1965 and the Fourteenth Amendment.

67. Under the new legislation, Latinos have less opportunity than other members of the electorate to participate in the political process:

- a. Racial bloc voting is pervasive in the City of Milwaukee among majority and Latino groups.
- b. Latino populations comprise a large and geographically compact group.

c. The new legislation fails to create any district with sufficient Latino voting age citizen population.

d. The new legislation's failure to draw a district with sufficient Latino voting age citizen population violates section 2 of the Voting Rights Act of 1965.

68. The new legislation unconstitutionally ignores nonracial bases of identity.

a. The new Racine-Kenosha senate district includes populations that belong to the same race but otherwise have little common communities of interest.

b. In Milwaukee, by shifting existing districts based solely on race and ignoring other redistricting principles, the legislative districts include populations that belong to the same race but otherwise have little else in common.

69. Other legislative boundaries also unnecessarily shift populations and fracture Native American communities that have historically been represented by the same representative. For example:

a. Members of the Oneida Nation have historically been represented by one member of the assembly and one member of the senate. Under the 2002 boundaries, members of the Oneida Nation were primarily within Assembly District 5 and Senate District 2. Under the new legislation, members of the Oneida Nation have been fractured and now reside in at least two assembly districts. As a result, members of the Oneida Nation are now spread among multiple districts, lessening their political influence.

b. Members of the Stockbridge-Munsee and Menominee tribes have historically been represented by one member of the assembly and one member of the senate. Under the 2002 boundaries, members of these tribes were in Assembly District 36 and Senate District 12. The new legislation divides the tribes between the

36th and 6th Assembly Districts, which also places the members in different senate districts (12th and 2nd, respectively). As a result, members of the Stockbridge-Munsee and Menominee tribes are now spread among three assembly districts and two senate districts, lessening their political influence.

c. Members of the Forest County Potawatomi have historically been represented by one member of the assembly and one member of the senate. Under the 2002 boundaries, members of the tribe were in Assembly District 36 and Senate District 12. Under the new legislation, members of the Forest County Potawatomi are divided between the 36th and 34th Assembly Districts, lessening their political influence.

70. If not otherwise enjoined or directed, the G.A.B. will carry out its statutory responsibilities involving the 2012 state legislative elections based on the impermissibly-drawn boundaries, which will harm the plaintiffs by violating their constitutional rights.

71. In the absence of the legislatively-enacted and constitutionally-permissible districts, any elections conducted under the G.A.B.'s supervision will deprive the individual plaintiffs of their civil rights under color of state law in violation of 42 U.S.C. §§ 1983 and 1988.

#### **SEVENTH CLAIM**

##### **New Congressional and Legislative Districts Are Not Justified By Any Legitimate State Interest**

72. Plaintiffs incorporate by reference the allegations in paragraphs 1 through 71 above.

73. The Equal Protection Clause allows some deviation from population equality in political boundaries if the deviations are based on established redistricting policies.

74. The legislature failed to take into account the well-established principles of compactness, maintaining communities of interest, and preserving core populations from prior districts in establishing new district boundaries.

75. The legislature failed to take into account the state constitution's requirement of basing legislative districts on municipal, ward and other local government boundaries.

76. Because the new legislation ignores established redistricting obligations, the state had no justification for any population deviation whatsoever; the population deviations—although modest—are greater than necessary because they do nothing to preserve communities of interest, preserve core populations, and are not based on local boundaries.

77. There is no legitimate state interest that justifies the new Congressional and legislative districts.

78. If not otherwise enjoined or directed, the G.A.B. will carry out its statutory responsibilities involving the 2012 state legislative elections based on the impermissibly-drawn boundaries, which will harm the plaintiffs by violating their constitutional rights.

79. In the absence of the legislatively-enacted and constitutionally-permissible districts, any elections conducted under the G.A.B.'s supervision will deprive the individual plaintiffs of their civil rights under color of state law in violation of 42 U.S.C. §§ 1983 and 1988.

#### **RELIEF SOUGHT**

WHEREFORE, the plaintiffs ask that the Court:

1. Declare Wisconsin's eight Congressional Districts, as established by the legislature on July 19 and 20, 2011, unconstitutional and invalid and the maintenance of those districts for the 2012 primary election and November 6, 2012 general election a violation of plaintiffs' federal and state legal rights;

2. Declare Wisconsin's 33 Senate Districts and 99 Assembly Districts, established by the legislature on July 19 and 20, 2011, unconstitutional and invalid and the maintenance of those districts for the 2012 primary election and November 6, 2012 general election a violation of plaintiffs' federal and state legal rights;

3. Enjoin the defendants and the G.A.B.'s employees and agents, including the county clerks in each of Wisconsin's 72 counties, from administering, preparing for and in any way permitting the nomination or election of members of the U.S. House of Representatives or of the state legislature from the unconstitutional districts that now exist in Wisconsin for the 2012 primary election and November 6, 2012 general election;

4. In the absence of constitutional state laws, adopted by the legislature and signed by the Governor in a timely fashion, establish a judicial redistricting plan to make the state's Congressional and legislative districts substantially equal in population and, in addition, meet the requirements of the U.S. Constitution and statutes and the Wisconsin Constitution and statutes;

5. Award the plaintiffs their costs, disbursements, and reasonable attorneys' fees incurred in bringing this action; and,

6. Grant such other relief as the Court deems proper.

Dated: July 21, 2011.

GODFREY & KAHN, S.C.

By: s/ Rebecca Kathryn Mason

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# EXHIBIT A

U.S. Department of Commerce  
U.S. Census Bureau

Table 1. APPORTIONMENT POPULATION AND NUMBER OF REPRESENTATIVES, BY STATE: 2010 CENSUS

STATE	APPORTIONMENT POPULATION (APRIL 1, 2010)	NUMBER OF APPORTIONED REPRESENTATIVES BASED ON 2010 CENSUS	CHANGE FROM CENSUS 2000 APPORTIONMENT
Alabama	4,802,982	7	0
Alaska	721,523	1	0
Arizona	6,412,700	9	+1
Arkansas	2,926,229	4	0
California	37,341,989	53	0
Colorado	5,044,930	7	0
Connecticut	3,581,628	5	0
Delaware	900,877	1	0
Florida	18,900,773	27	+2
Georgia	9,727,566	14	+1
Hawaii	1,366,862	2	0
Idaho	1,573,499	2	0
Illinois	12,864,380	18	-1
Indiana	6,501,582	9	0
Iowa	3,053,787	4	-1
Kansas	2,863,813	4	0
Kentucky	4,350,606	6	0
Louisiana	4,553,962	6	-1
Maine	1,333,074	2	0
Maryland	5,789,929	8	0
Massachusetts	6,559,644	9	-1
Michigan	9,911,626	14	-1
Minnesota	5,314,879	8	0
Mississippi	2,978,240	4	0
Missouri	6,011,478	8	-1
Montana	994,416	1	0
Nebraska	1,831,825	3	0
Nevada	2,709,432	4	+1
New Hampshire	1,321,445	2	0
New Jersey	8,807,501	12	-1
New Mexico	2,067,273	3	0
New York	19,421,055	27	-2
North Carolina	9,565,781	13	0
North Dakota	675,905	1	0
Ohio	11,568,495	16	-2
Oklahoma	3,764,882	5	0
Oregon	3,848,606	5	0
Pennsylvania	12,734,905	18	-1
Rhode Island	1,055,247	2	0
South Carolina	4,645,975	7	+1
South Dakota	819,761	1	0
Tennessee	6,375,431	9	0
Texas	25,268,418	36	+4
Utah	2,770,765	4	+1
Vermont	630,337	1	0
Virginia	8,037,736	11	0
Washington	6,753,369	10	+1
West Virginia	1,859,815	3	0
Wisconsin	5,698,230	8	0
Wyoming	568,300	1	0
TOTAL APPORTIONMENT POPULATION <sup>1</sup>	309,183,463	435	

<sup>1</sup> Includes the resident population for the 50 states, as ascertained by the Twenty-Third Decennial Census under Title 13, United States Code, and counts of overseas U.S. military and federal civilian employees (and their dependents living with them) allocated to their home state, as reported by the employing federal agencies. The apportionment population excludes the population of the District of Columbia.

**EXHIBIT B**



State of Wisconsin  
2011 - 2012 LEGISLATURE



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SENATE AMENDMENT 2,  
TO 2011 SENATE BILL 148

July 14, 2011 – Offered by Senator ZIPPERER.

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

2 **1.** Page 16, line 18: delete the material beginning with that line and ending  
3 with page 21, line 2, and substitute:

4 **"4.08 Eighth assembly district.** All of the following territory in Milwaukee  
5 County constitutes the 8th assembly district: that part of the city of Milwaukee  
6 comprising U.S. census tract 15700, blocks 1000, 1001, 1002, 1003, 1005, 1006, 1007,  
7 1008, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 3000, 3001, 3002, 3003, 3004, 3005,  
8 4000, 4001, 4003, 4004, 4007, and 4008; and tract 16300, blocks 1011, 1013, 2000,  
9 and 2001; and tract 16400, blocks 1000, 1001, 1002, 1003, 1004, 1005, 2000, 2001,  
10 2002, 2003, 2004, 2005, 2006, 2007, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007,  
11 4000, 4001, 4002, 4003, 4004, and 4005; and tract 16500, blocks 1000, 1001, 1002,  
12 1003, 1004, 1005, 1006, 1007, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008,  
13 2009, 2010, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012,

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1 3013, 3014, 3015, 3016, 3017, 3018, 3019, and 3020; and tract 16600, blocks 1000,  
2 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 2000, 2001, 2002, 2003, 2004,  
3 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2019, 2020,  
4 2021, 2022, 2023, and 2024; and tract 16700, blocks 1000, 1001, 1002, 1003, 1004,  
5 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2000, 2001, 2002, 2003, 2004, 2005,  
6 2006, 3000, 3001, 3002, 3003, 3004, 3005, 3006, and 3007; and tract 16800, blocks  
7 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013,  
8 1014, 1015, 1016, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 3000, 3001, 3002,  
9 3003, 3004, 3005, and 3006; and tract 16900, blocks 1000, 1001, 1002, 2000, 2001,  
10 2003, 2004, 2011, 3000, 3001, 3002, 3003, 3004, 3009, and 3010; and tract 17400,  
11 blocks 1000, 1001, 1002, 1003, 2000, 2001, 2002, and 2003; and tract 17500, blocks  
12 1000, 1001, 1002, 1003, 1004, 1005, 1006, 2000, 2001, 2002, 2003, 2004, 2005, 3000,  
13 3001, 3002, 3003, 3004, 3005, 3006, 3007, 4000, 4001, 4002, 4003, 4004, 4005, and  
14 4006; and tract 17600, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008,  
15 1009, 1010, 1011, 2000, 2001, 2002, 2003, 2004, and 2005; and tract 17900, blocks  
16 1003, 1004, 1005, 2003, 2004, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009,  
17 and 4010; and tract 18400, block 2003; and tract 18500, blocks 1000, 1001, 1002,  
18 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016,  
19 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, and 1028; and tract  
20 18600, blocks 1000, 1001, 1002, 1003, 1004, 1005, 2000, 2001, 2002, 2003, 2004, 2005,  
21 2006, 2007, 2008, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, and 3009;  
22 and tract 18700, blocks 1000, 1001, 1002, 1003, 1004, 1005, 2000, 2001, 2002, 2003,  
23 2004, 2005, 2006, 2007, 2008, 2009, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007,  
24 3008, and 3009; and tract 18800, blocks 1000, 1001, 1002, 1003, 1004, 1005, 2000,  
25 2001, 2003, 2004, 2005, 2006, 2007, 2008, and 2009; and tract 20100, blocks 1000,

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1 1001, 1002, 1003, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017,  
2 1018, 1019, 1020, 1021, and 1022; and tract 20200, blocks 1000, 1001, 1002, 1003,  
3 1004, 1006, 2000, 2001, 2002, and 2003; and tract 20300, blocks 1000, 1001, 1002,  
4 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016,  
5 1017, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012,  
6 2013, 2014, and 2015; and tract 20400, blocks 1000, 1001, 1002, 1003, 1004, 1005,  
7 1006, 1007, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 3000, 3001, 3002, 3003,  
8 3004, 3005, 3006, and 3007; and tract 20500, blocks 1000, 1001, 1002, 1003, 1004,  
9 1005, 1006, 1007, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 3000, 3001, 3002,  
10 3003, 3004, 3005, 3006, and 3007; and tract 186500, blocks 1000, 1001, 1002, 1003,  
11 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017,  
12 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031,  
13 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045,  
14 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013,  
15 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, and  
16 2027; and tract 186600, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010,  
17 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 2000,  
18 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, and 2009; and tract 186800, blocks  
19 1018, 1019, 1025, 1026, 1027, 1028, 1029, 1061, 1062, 1085, 1086, 1087, 1088, 1089,  
20 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103,  
21 1104, 1105, and 1106; and tract 187400, blocks 1060, 1061, 1067, 1082, 1083, 1084,  
22 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098,  
23 1099, 1100, 1101, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, and 1113.

24 **4.09 Ninth assembly district.** All of the following territory in Milwaukee  
25 County constitutes the 9th assembly district: that part of the city of Milwaukee

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1 comprising U.S. census tract 13300, blocks 1020 and 1021; and tract 13400, blocks  
2 2004 and 2005; and tract 14900, block 2011; and tract 15700, blocks 1004, 2007, 4002,  
3 4005, and 4006; and tract 15800, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006,  
4 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 3000, 3001, 3002, 3003, 3004, 3005,  
5 and 3006; and tract 15900, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007,  
6 2000, 2001, 2002, 2003, 2004, 2005, 2006, 3000, 3001, 3002, 3003, 3004, 3005, and  
7 3006; and tract 16000, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 2000,  
8 2001, 2002, 2003, 2004, 2005, 2006, 2007, and 2008; and tract 16100, blocks 1000,  
9 1001, 1002, 1003, 1004, 1005, 1006, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007,  
10 2008, 2009, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011,  
11 3012, 3013, and 3014; and tract 16200, blocks 1000, 1001, 1002, 1003, 1004, 1005,  
12 1006, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 3000, 3001, 3002, 3003,  
13 3004, 3005, and 3006; and tract 16300, blocks 1000, 1001, 1002, 1003, 1004, 1005,  
14 1006, 1007, 1008, 1009, 1010, 1012, 2002, 2003, 2004, 2005, 3000, 3001, 3002, 3003,  
15 3004, 3005, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, and 4008; and tract  
16 16900, blocks 1003, 1004, 1005, 1006, 1007, 1008, 2002, 2005, 2006, 2007, 2008, 2009,  
17 2010, 3005, 3006, 3007, and 3008; and tract 17000, blocks 1000, 1001, 1002, 1003,  
18 1004, 1005, 1006, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 3000, 3001, 3002,  
19 3003, 3004, 3005, 3006, 3007, 3008, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007,  
20 5000, 5001, 5002, 5003, 5004, 5005, and 5006; and tract 17100, blocks 1000, 1001,  
21 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2000, 2001, 2002,  
22 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, and 2011; and tract 17200, blocks  
23 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 2000, 2001, 2002, 2003, 2004,  
24 2005, 2006, and 2007; and tract 17300, blocks 1000, 1001, 1002, 1003, 1004, 1005,  
25 1006, 1007, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 3000, 3001,

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1 3002, 3003, 3004, 3005, 3006, 3007, 3008, and 3009; and tract 17400, blocks 1004,  
2 1005, 1006, 1007, 2004, 2005, 2006, and 2007; and tract 18800, block 2002; and tract  
3 18900, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011,  
4 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025,  
5 1026, 1027, 1028, 1029, and 1030; and tract 19000, blocks 1000, 1001, 1002, 1003,  
6 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 2000, 2001, 2002, 2009, and 2010;  
7 and tract 20000, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009,  
8 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023,  
9 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 2000, 2001, 2002, 2003, 2004, 2005,  
10 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, and 2018;  
11 and tract 20100, blocks 1004, 1005, 1006, 2000, 2001, 2002, 2003, 2004, 2005, 2006,  
12 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013,  
13 3014, 3015, 3016, 3017, 3018, and 3019; and tract 20200, blocks 1005, 2004, 2005,  
14 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 3000, 3001, 3002, 3003, 3004, 3005,  
15 3006, 3007, 3008, 3009, and 3010; and tract 20300, blocks 2016, 2017, 2018, and  
16 2019; and tract 21200, block 2005; and tract 21300, blocks 1000, 1001, 1002, 1003,  
17 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017,  
18 1018, and 1019; and tract 21400, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006,  
19 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 2000, 2001, 2002, 2003,  
20 2004, 2005, 2006, 2007, 2008, 2009, 2010, and 2011; and tract 110100, blocks 3000,  
21 3004, and 3016; and tract 186400, block 2010; and tract 186800, blocks 1010, 1011,  
22 1012, 1013, 1014, 1021, 1022, 1023, 1024, 1030, 1031, 1032, 1033, 1034, 1035, 1036,  
23 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050,

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1 1051, 1052, 1053, 1054, 1056, 1058, 1059, 1060, 1063, 1064, 1065, 1066, 1067, 1069,  
2 1070, 1072, 1107, and 1108.”.

3 (END)

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STATISTICS AND MAPS

Appendix to: SA2-SB148 LRBa1394/1rd

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## POPULATION STATISTICS

District	SENATE BILL 148					THIS AMENDMENT				
	Pop.	Dev.	Pct. Dev.	Minority Pop.		Pop.	Dev.	Pct. Dev.	Minority Pop.	
				Hispan.	Other				Hispan.	Other
Asm. 8	57,246	-198	-0.35	35,971	6,770	57,246	-198	-0.35	37,750	6,428
Asm. 9	57,233	-211	-0.37	36,426	7,405	57,233	-211	-0.37	34,647	7,747

Overall Assembly	Persons		Percent		
	Mean Deviation:	93	0.16		
	Largest Positive Deviation:	214	0.37		
	Largest Negative Deviation:	-224	-0.39		
	Overall Range in Deviation:	± 438	± 0.76		

No Change

Overall Senate	Persons		Percent		
	Mean Deviation:	149	0.09		
	Largest Positive Deviation:	466	0.27		
	Largest Negative Deviation:	-610	-0.35		
	Overall Range in Deviation:	± 1,076	± 0.62		

No Change

# EXHIBIT C



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-2296/1  
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## 2011 SENATE BILL 150

July 11, 2011 - Introduced by COMMITTEE ON SENATE ORGANIZATION. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

1 AN ACT *to renumber and amend* 59.10 (3) (c); *to amend* 5.15 (1) (a) 1. and 2.,  
2 5.15 (1) (b), 5.15 (1) (c), 5.15 (2) (bm), 5.15 (2) (e) and (f) (intro.), 5.15 (2) (f) 4.,  
3 5.15 (2) (g), 5.15 (4), 5.15 (6) (a), 5.15 (7), 5.18, 59.10 (2) (a), 59.10 (2) (d), 59.10  
4 (3) (b) 1., 59.10 (3) (b) 2., 59.10 (3) (b) 4., 59.10 (3) (cm) 1., 59.10 (6), 62.08 (1),  
5 62.08 (2), 62.08 (4m), 62.08 (5) and 119.08 (1) (b); and *to create* 5.15 (2) (b)  
6 (intro.), 59.10 (3) (b) 3., 59.10 (3) (c) 2. and 3., 751.035 and 801.50 (4m) of the  
7 statutes; **relating to:** division of municipalities into wards and redistricting of  
8 supervisory and aldermanic districts and appointing a panel to hear challenges  
9 to the apportionment of a congressional or legislative district, and hearing  
10 certain appeals.

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### *Analysis by the Legislative Reference Bureau*

#### *Adjustment of municipal wards to accommodate redistricting plans*

The bill requires municipal ward plans, and the aldermanic and supervisory districts upon which they are based, to reflect municipal boundaries on April 1 of the year of each federal decennial census. Currently, ward plans must reflect municipal boundaries on August 1 of the year following the year of the federal decennial census.

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JTK&PJH:cjs:md**SENATE BILL 150**

The change applies retroactively to ward plans and aldermanic and supervisory districts created in response to the 2010 federal decennial census.

The bill also amends the laws governing municipal ward division to ensure that if municipal wards do not accommodate a congressional or legislative redistricting act on its date of enactment, the affected municipalities must change their wards so that their ward divisions enable the election of members of congress and members of the legislature under the redistricting act. Currently, the laws only partially accommodate this process.

***Local ward division and redistricting timeline***

Currently, within 60 days after the decennial population count, by block, becomes available from the U.S. Bureau of the Census, but no later than July 1 of each year following the year of the census, each county board of supervisors must submit to each municipality having territory in the county a tentative supervisory district plan or a description of boundary requirements for such a plan. Within 60 days after the receipt of this information from the county board of each county in which a municipality is located, each municipality having a population of 1,000 or more must adopt or readjust wards in accordance with statutory population parameters. In enacting or adopting its plan, a municipality must make a good faith effort to reflect the county's requirements in enacting a supervisory district plan. Within 60 days after every municipality having territory within a county enacts or adopts a ward division plan, the county must enact a final supervisory district plan combining contiguous whole wards to form supervisory districts.

This bill shortens the maximum time specified for action at each of the above stages of the redistricting process to 45 days, effective beginning with ward divisions and redistricting in response to the 2020 federal decennial census.

***Municipal ward plan revisions***

Currently, under the state constitution, the legislature is directed to redistrict legislative districts according to the number of inhabitants at its next session following each federal census. At the same intervals, the legislature also reapportions congressional districts in this state pursuant to federal law. Under current state law, following each decennial federal census, most municipalities are also required to divide their territory into wards, and counties and cities are required to redistrict supervisory and aldermanic districts so that the districts contain, as nearly as practicable, an equal number of inhabitants according to the census results. With limited exceptions, wards are required to consist of one or more whole, contiguous census blocks (the smallest geographic units for which census results are available). Counties and municipalities are required to complete this action in three steps, which in no case may conclude later than 180 days after publication of the census results. (Usually, the process begins in April and ends in October of the year following the year of the census.) If counties or municipalities fail to adopt division plans, the courts may do so upon petition by interested parties. Revised county and municipal district plans are used to elect members of county boards of supervisors and common councils in the spring of the second year following the year of the census.

**SENATE BILL 150**

The legislative and congressional redistricting plans are used to elect members of the legislature and members of congress in the fall of the second year following the year of the census. The legislature may subdivide or adjust the boundaries of a municipal ward and use the revised ward boundaries to create a legislative or congressional district.

This bill amends various laws to facilitate the legislative and congressional redistricting process and directs counties and municipalities to revise their ward and districting plans to reflect any legislative act establishing a legislative or congressional district boundary that does not coincide with a ward or municipal boundary.

The bill also provides that when a municipality is consolidated with another municipality, the governing body of the consolidated municipality must revise its municipal ward plan to the extent required to effect the change. Currently, the statutes do not address this issue.

***County supervisory district plans***

Currently, within 60 days after publication of the federal decennial census, each county must adopt a tentative county supervisory district plan. Each municipality must adopt a ward division plan, if it is required to do so, within 60 days after the county or counties in which the municipality is located adopt a tentative county supervisory district plan, and each county then must adopt a final supervisory district plan within 60 days after every municipality in the county adopts a ward division plan, if it is required to do so. Currently, the tentative plan must include suggested boundaries or information concerning the number of supervisors to be elected and a description of boundary requirements.

This bill provides that a final county supervisory district plan must not be inconsistent with the tentative plan except to accommodate authorized municipal ward divisions or to reflect an official correction to the census. The bill also applies to amended supervisory district plans in counties other than Milwaukee and Menominee the same standards with respect to contiguity, compactness, numbering, and applicability that apply to amended plans in Milwaukee County. In addition, the bill applies to tentative district plans in Milwaukee County the same standards with respect to contiguity that apply to final district plans in that county.

***Incorporation of census corrections***

Currently, decennial ward division plans, as well as decennial county supervisory and city aldermanic district plans, are based on the federal decennial census. The statutes do not treat the issue of corrections that the U.S. Bureau of the Census issues. This bill provides that the ward plans and aldermanic district plans shall reflect the census results, including any corrections, for the populations of counties, municipalities, and census blocks on April 1 of the year of the census, if corrections are issued prior to adoption of a decennial ward plan, or if a municipality that is affected by a correction is not divided into wards, prior to adoption of a county supervisory district plan.

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LRB-2296/1  
JTK&PJH:cjs:md**SENATE BILL 150*****Amended aldermanic district plans***

The bill makes an amended aldermanic district plan that may be adopted in certain cities in response to an intradecade county supervisory district plan subject to the same passage and notice requirements, and district composition requirements, that apply currently to original decennial aldermanic district plans. Under current law, absent members are not included in determining passage requirements and there are no notice and district composition requirements for these amended plans.

***Challenges to apportionment of congressional and legislative districts; hearing of appeals***

This bill requires the supreme court to assign a three-judge panel to hear any matter that seeks to challenge the apportionment of a congressional or legislative district. Under the bill, the supreme court must choose a judge from each of three circuits and designate one circuit as having venue for purposes of hearings and filing documents.

Under the bill, no party may seek to substitute any of the assigned judges and any appeal of the panel's decisions are to be heard directly by the supreme court.

***Minor and technical changes***

The bill also makes other minor technical changes in the law to facilitate the ward division and county and municipal redistricting process.

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

- 1           **SECTION 1.** 5.15 (1) (a) 1. and 2. of the statutes are amended to read:
- 2           5.15 (1) (a) 1. Every city, village, and town in this state shall by ordinance or
- 3 resolution of its common council or village or town board, respectively, be divided into
- 4 wards as provided in this section, except as authorized in sub. (2). The boundaries
- 5 of the wards established under this section, and the number assigned to each ward,
- 6 are intended to be as permanent as possible, and to this end each ward shall when
- 7 created contain a population at a convenient point within the applicable population
- 8 range under sub. (2) (b), with due consideration for the known trends of population
- 9 increase or decrease within that part of the municipality in which the ward is located.

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SECTION 1**SENATE BILL 150**

1           2. Once established, the boundaries of each ward shall remain unchanged until  
2 a further decennial federal census of population indicates that the population of a  
3 ward is then above or below the applicable population range, or until the ward  
4 boundaries are required to be changed to permit creation of supervisory or  
5 aldermanic districts of substantially equal population or to enhance the  
6 participation of members of a racial or language minority group in the political  
7 process and their ability to elect representatives of their choice, or until otherwise  
8 authorized or required under this section.

9           **SECTION 2.** 5.15 (1) (b) of the statutes is amended to read:

10           5.15 **(1)** (b) Except as authorized in sub. (2) (a), within ~~60~~ 45 days after the  
11 receipt of a tentative supervisory district plan and written statement, if any, from the  
12 county board of each county in which a municipality is located, the governing body  
13 of the municipality shall adjust its wards according to the schedule shown in sub. (2).  
14 All territory contained within the municipality, and only the territory so contained,  
15 on ~~August 1~~ following April 1 of the year of the federal decennial census shall be  
16 contained within a ward established under the division ordinance or resolution.  
17 Except as authorized in sub. (2), each ward shall consist of whole blocks, as utilized  
18 by the U.S. bureau of the census in the most recent federal decennial census. To suit  
19 the convenience of the voters residing therein each ward shall, as far as practicable,  
20 be kept compact and observe the community of interest of existing neighborhoods  
21 and other settlements. All territory within a ward shall be contiguous, except for  
22 island territory as defined in sub. (2) (f) 3. Enactment or adoption of a division  
23 ordinance or resolution requires the affirmative vote of a majority of the members  
24 of the governing body.

25           **SECTION 3.** 5.15 (1) (c) of the statutes is amended to read:

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JTK&PJH:cjs:md**SENATE BILL 150****SECTION 3**

1           5.15 (1) (c) The wards established by municipal governing bodies in a division  
2 ordinance or resolution enacted or adopted under this section ~~on the basis of the~~  
3 ~~published results of each federal decennial census of population~~ shall govern the  
4 adjustment of supervisory districts under s. 59.10 (2) (a) and (3) (b) and of aldermanic  
5 districts under s. 62.08 (1) for the purpose of local elections beginning on January 1  
6 of the 2nd year commencing after the year of the census until revised under this  
7 section on the basis of the results of the next decennial census of population unless  
8 adjusted under sub. (2) (f) 4., (6) (a) or (7), or unless ~~adjusted, as a matter of statewide~~  
9 ~~concern, in the enactment of a division is required to effect an act of the legislature~~  
10 redistricting legislative districts under article IV, section 3, of the constitution on the  
11 basis of the most recent decennial census of population or redistricting congressional  
12 districts. The populations of wards under each decennial ward division shall be  
13 determined on the basis of the federal decennial census and any official corrections  
14 to the census issued on or before the date of adoption of the division ordinance or  
15 resolution to reflect the correct populations of the municipality and the blocks within  
16 the municipality on April 1 of the year of the census.

17           **SECTION 4.** 5.15 (2) (b) (intro.) of the statutes is created to read:

18           5.15 (2) (b) (intro.) Except for wards created to effect an act of the legislature  
19 redistricting legislative districts under article IV, section 3, of the constitution or  
20 redistricting congressional districts and except as authorized under pars. (bm), (c),  
21 (e), and (f) and sub. (7), wards shall contain the following numbers of inhabitants:

22           **SECTION 5.** 5.15 (2) (bm) of the statutes is amended to read:

23           5.15 (2) (bm) Every city electing the members of its common council from  
24 aldermanic districts shall assemble the blocks wholly or partially contained within  
25 the city into wards that will enable the creation of aldermanic districts that are

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SECTION 5**SENATE BILL 150**

1 substantially equal in population. If a block is partly contained within the city, the  
2 city shall divide the block to form a ward containing the portion of the block that lies  
3 within the city.

4 **SECTION 6.** 5.15 (2) (e) and (f) (intro.) of the statutes are amended to read:

5 5.15 (2) (e) ~~Notwithstanding par. (b), if~~ If territory is detached from a city,  
6 village or town after ~~adoption of a decennial ward plan~~ April 1 of the year of the  
7 federal decennial census, and the remaining portion of the ward to which it was  
8 attached falls below the prescribed minimum population for the applicable range,  
9 the remaining portion of the population may be constituted a ward by itself.

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

14 **SECTION 7.** 5.15 (2) (f) 4. of the statutes is amended to read:

15 5.15 (2) (f) 4. New territory which becomes a part of a city, village or town after  
16 ~~the adoption of a decennial ward plan~~ April 1 of the year of the federal decennial  
17 census.

18 **SECTION 8.** 5.15 (2) (g) of the statutes is amended to read:

19 5.15 (2) (g) If a block is affected by an annexation or detachment which  
20 establishes a municipal boundary that subdivides the block, the municipalities in  
21 which the block is contained shall incorporate only the portion of the block contained  
22 within their boundaries in their ~~ward plans~~ division ordinances or resolutions.

23 **SECTION 9.** 5.15 (4) of the statutes is amended to read:

24 5.15 (4) (a) The division ordinance or resolution shall number all wards in the  
25 municipality ~~in~~ with unique whole numbers in consecutive order, beginning with the

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LRB-2296/1  
JTK&PJH:cjs:md**SENATE BILL 150****SECTION 9**

1 number one, shall designate the polling place for each ward, and shall describe the  
2 boundaries of each ward consistent with the conventions set forth in s. 4.003. The  
3 ordinance or resolution shall be accompanied by a list of the block numbers used by  
4 the U.S. bureau of the census that are wholly or partly contained within each ward,  
5 with any block numbers partly contained within a ward identified, and a map of the  
6 municipality which illustrates the revised ward boundaries. If the legislature, in an  
7 act redistricting legislative districts under article IV, section 3, of the constitution,  
8 or in redistricting congressional districts, establishes a district boundary within a  
9 municipality that does not coincide with the boundary of a ward established under  
10 the ordinance or resolution of the municipality, the municipal governing body shall,  
11 no later than May 15 of the 2nd year following the year of the federal decennial  
12 census on which the act is based, amend the ordinance or resolution to the extent  
13 required to effect the act. The amended ordinance or resolution shall designate the  
14 polling place for any ward that is created to effect the legislative act.

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

23 **SECTION 10.** 5.15 (6) (a) of the statutes is amended to read:

24 5.15 (6) (a) Following any municipality-wide special federal census of  
25 population, the governing body of the municipality in which the special census was

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SECTION 10**SENATE BILL 150**

1 held may, by ordinance or resolution, adjust the ward boundaries, but no ward line  
2 adjustment may cross the boundary of an a congressional, assembly, or supervisory  
3 district. The municipal clerk shall transmit copies of the ordinance or resolution in  
4 compliance with sub. (4) (b).

5 **SECTION 11.** 5.15 (7) of the statutes is amended to read:

6 5.15 (7) If a new town is created or if part of a town is annexed to a city or village  
7 during a decennial period after ~~the period for ward adjustments under sub. (1) (b)~~  
8 April 1 of the year of the federal decennial census, the town board of any town to  
9 which territory is attached or from which territory is detached, without regard to the  
10 time provisions of sub. (1) (b), may, by ordinance or resolution, create new wards or  
11 adjust the existing wards in that town, but no to the extent required to reflect the  
12 change. If a municipality is consolidated with another municipality during a  
13 decennial period after April 1 of the year of the federal decennial census, the  
14 governing body of the consolidated municipality, without regard to the time  
15 provisions under sub. (1) (b), may, by ordinance or resolution, create new wards or  
16 adjust the existing wards of the municipality to the extent required to reflect the  
17 change. No ward line adjustment under this subsection may cross the boundary of  
18 ~~an a congressional, assembly, or supervisory~~ district. The town municipal clerk shall  
19 transmit copies of the ordinance or resolution making the adjustment in compliance  
20 with sub. (4) (b).

21 **SECTION 12.** 5.18 of the statutes is amended to read:

22 **5.18 Enforcement of division requirement.** If any municipality fails to  
23 comply with s. 5.15, the county in which the municipality is located or any elector of  
24 the municipality may submit to the circuit court for any county in which the  
25 municipality is located within 14 days from the expiration of the ~~60-day~~ 45-day

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LRB-2296/1  
JTK&PJH:cjs:md**SENATE BILL 150****SECTION 12**

1 period under s. 5.15 (1) (b) a proposed plan for the division of the municipality into  
2 wards in compliance with this section. If the circuit court finds that the existing  
3 division of the municipality into wards fails to comply with s. 5.15, it shall review the  
4 plan submitted by the petitioner and after reasonable notice to the municipality may  
5 promulgate the plan, or any other plan in compliance with s. 5.15, as a temporary  
6 ward plan for the municipality to remain in effect until superseded by a ward plan  
7 enacted or adopted by the governing body in compliance with s. 5.15.

8 **SECTION 13.** 59.10 (2) (a) of the statutes is amended to read:

9 59.10 (2) (a) *Composition; supervisory districts.* Within ~~60~~ 45 days after the  
10 population count by census block, established in the decennial federal census of  
11 population, and maps showing the location and numbering of census blocks become  
12 available in printed form from the federal government or are published for  
13 distribution by an agency of this state, but no later than July 1 following the year of  
14 each decennial census, the board shall adopt and transmit to the governing body of  
15 each city and village wholly or partially contained within the county a tentative  
16 county supervisory district plan to be considered by the cities and villages when  
17 dividing into wards. The tentative plan shall specify the number of supervisors to  
18 be elected and shall divide the county into a number of districts equal to the number  
19 of supervisors, with each district substantially equal in population and consisting of  
20 contiguous whole wards or municipalities, except as authorized in sub. (3) (b) 2.  
21 Except as otherwise provided in this paragraph, the board shall develop and adopt  
22 the tentative plan in accordance with sub. (3) (b) 1. The tentative plan shall not  
23 include provision for division of any census block, as utilized by the U.S. bureau of  
24 the census in the most recent federal decennial census, unless the block is bisected  
25 by a municipal boundary or unless a division is required to enable creation of

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SECTION 13**SENATE BILL 150**

1 supervisory districts that are substantially equal in population. The board shall  
2 adopt a final plan by enacting an ordinance in accordance with sub. (3) (b) 2. to 4.  
3 Changes to the final plan shall be governed by par. (d) and sub. (3) (c).

4 **SECTION 14.** 59.10 (2) (d) of the statutes is amended to read:

5 59.10 (2) (d) *Changes during decade.* 1. 'Number of supervisors; redistricting.'

6 The board may, not more than once prior to November 15, 2010, decrease the number  
7 of supervisors after the enactment of a supervisory district plan under par. (a). In  
8 that case, the board shall redistrict, readjust, and change the boundaries of  
9 supervisory districts, so that the number of districts equals the number of  
10 supervisors, the districts are substantially equal in population according to the most  
11 recent countywide federal census, the districts are in as compact a form as possible,  
12 and the districts consist of contiguous municipalities or contiguous whole wards in  
13 existence at the time at which the amended redistricting plan is adopted, except as  
14 authorized in sub. (3) (b) 2. In the ~~redistricting~~ amended plan, the board shall adhere  
15 to the requirements under sub. (3) (b) 2. with regard to contiguity and shall, to the  
16 extent possible, place whole contiguous municipalities or contiguous parts of the  
17 same municipality within the same district. In ~~redistricting under this subdivision~~  
18 the amended plan, the original numbers of the districts in their geographic outlines,  
19 to the extent possible, shall be retained. The chairperson of the board shall file a  
20 certified copy of any ~~redistricting~~ amended plan adopted under this subdivision with  
21 the secretary of state.

22 2. 'Election; term.' Any ~~redistricting~~ amended plan enacted under subd. 1.  
23 becomes effective on the first November 15 following its enactment, and first applies  
24 to the spring election following the plan's effective date. Any ~~redistricting~~ amended  
25 plan enacted under subd. 1. shall remain in effect until the effective date of a

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JTK&PJH:cjs:md**SENATE BILL 150****SECTION 14**

1 redistricting plan subsequently enacted under par. (a). Supervisors elected from the  
2 districts created under subd. 1. shall serve for 4-year terms and shall take office on  
3 the 3rd Monday in April following their election.

4 **SECTION 15.** 59.10 (3) (b) 1. of the statutes is amended to read:

5 59.10 (3) (b) 1. Within ~~60~~ 45 days after the population count by census block,  
6 established in the decennial federal census of population, and maps showing the  
7 location and numbering of census blocks become available in printed form from the  
8 federal government or are published for distribution by an agency of this state, but  
9 no later than July 1 following the year of each decennial census, each board shall  
10 propose a tentative county supervisory district plan setting forth the number of  
11 supervisory districts proposed by the board and tentative boundaries or a description  
12 of boundary requirements, hold a public hearing on the proposed plan and adopt a  
13 tentative plan. The proposed plan may be amended after the public hearing. The  
14 tentative plan shall divide the county into a number of districts equal to the number  
15 of supervisors, with each district substantially equal in population. The board shall  
16 solicit suggestions from municipalities concerning the development of an  
17 appropriate plan. ~~The board shall transmit to each municipal governing body in the~~  
18 ~~county the tentative plan that is adopted. Each~~ Except as authorized in this  
19 subdivision, each district shall consist of whole wards or municipalities. ~~Each~~  
20 ~~district shall be designated to be represented by one supervisor, and all districts shall~~  
21 ~~be substantially equal in population.~~ Territory within each supervisory district to  
22 be created under the tentative plan shall be contiguous, except as authorized in subd.  
23 2. In the tentative plan, the board shall, whenever possible, place whole contiguous  
24 municipalities or contiguous parts of the same municipality within the same district.  
25 If the division of a municipality is sought by the board, the board shall provide with

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SECTION 15**SENATE BILL 150**

1 the plan a written statement to the municipality affected by each proposed division  
2 specifying the approximate location of the territory from which a ward is sought to  
3 be created for contiguity purposes and the approximate population of the ward  
4 proposed to effectuate the division. The tentative plan shall not include provision for  
5 division of any census block unless the block is bisected by a municipal boundary or  
6 unless a division is required to enable creation of supervisory districts that are  
7 substantially equal in population. The board shall transmit a copy of the tentative  
8 plan that is adopted to each municipal governing body in the county.

9 **SECTION 16.** 59.10 (3) (b) 2. of the statutes is amended to read:

10 59.10 (3) (b) 2. Within ~~60~~ 45 days after every municipality in the county adjusts  
11 its wards under s. 5.15, the board shall hold a public hearing and shall then adopt  
12 a final supervisory district plan, numbering each district. Wards Territory within  
13 each supervisory district created by the plan shall be contiguous, except that one or  
14 more wards located within a city or village which is wholly surrounded by another  
15 city or water, or both, may be combined with one or more noncontiguous wards, or  
16 one or more wards ~~or portions of wards~~ consisting of island territory as defined in s.  
17 5.15 (2) (f) 3. may be combined with one or more noncontiguous wards ~~or portions of~~  
18 wards within the same municipality, to form a supervisory district. Except as  
19 required to reflect a municipal ward division authorized or required under s. 5.15,  
20 and except as required under subd. 3., the final plan shall not be inconsistent with  
21 the tentative plan.

22 **SECTION 17.** 59.10 (3) (b) 3. of the statutes is created to read:

23 59.10 (3) (b) 3. The populations of supervisory districts under the tentative  
24 plan shall be determined on the basis of the federal decennial census and any official  
25 corrections to the census issued on or before the date that the tentative plan is

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1 adopted to reflect the correct population of the county and municipalities and blocks  
2 within the county on April 1 of the year of the census. The populations of supervisory  
3 districts under the final plan shall be determined on the basis of the federal decennial  
4 census and any official corrections to the census to reflect the correct populations of  
5 the county and the municipalities and blocks within the county on April 1 of the year  
6 of the census, if the corrections as they affect any municipality are issued prior to  
7 division of the municipality into wards under s. 5.15, or if a municipality is not  
8 divided into wards, prior to adoption of the final plan.

9 **SECTION 18.** 59.10 (3) (b) 4. of the statutes is amended to read:

10 59.10 (3) (b) 4. The chairperson of the board shall file a certified copy of the final  
11 districting plan with the secretary of state. Unless otherwise ordered under sub. (6),  
12 a plan enacted and filed under this paragraph, together with any authorized  
13 amendment that is enacted and filed under this section, remains in effect until the  
14 plan is superseded by a subsequent plan enacted under this subsection and a  
15 certified copy of that plan is filed with the secretary of state.

16 **SECTION 19.** 59.10 (3) (c) of the statutes is renumbered 59.10 (3) (c) 1. and  
17 amended to read:

18 59.10 (3) (c) 1. After the enactment of a plan of supervisory districts under par.  
19 (b), the board may amend the plan to reflect a municipal incorporation, annexation,  
20 detachment or consolidation may serve as a basis for altering between federal  
21 decennial censuses the boundaries of supervisory districts, in the discretion of the  
22 board. The number of supervisory districts in the county shall not be changed by any  
23 action under this paragraph. ~~Any plan of county supervisory districts enacted under~~  
24 ~~par. (b) may be amended under this paragraph but shall remain in effect as amended~~

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1 ~~until superseded by another plan enacted by the board under par. (b) and filed~~  
2 ~~subdivision.~~

3 4. The chairperson of the board shall file a certified copy of any amended plan  
4 under this paragraph with the secretary of state.

5 **SECTION 20.** 59.10 (3) (c) 2. and 3. of the statutes are created to read:

6 59.10 (3) (c) 2. Within 45 days after enactment or adoption of a revised division  
7 ordinance or resolution under s. 5.15 (4) (a), the board shall amend the county  
8 supervisory district plan under par. (b) to reflect any renumbering of the wards  
9 specified in the plan.

10 3. The districts under the amended plan shall be substantially equal in  
11 population according to the most recent countywide federal census and shall be in  
12 as compact a form as possible. The board shall adhere to the requirements of par.  
13 (b) 2. with regard to contiguity and shall, to the extent possible, place whole  
14 contiguous municipalities or contiguous parts of the same municipality within the  
15 same district. In the amended plan, the original numbers of the districts in their  
16 geographic outlines, to the extent possible, shall be retained. An amended plan  
17 becomes effective on the first November 15 following its enactment.

18 **SECTION 21.** 59.10 (3) (cm) 1. of the statutes is amended to read:

19 59.10 (3) (cm) 1. 'Number of supervisors; redistricting.' Except as provided in  
20 subd. 3., following the enactment of a decennial supervisory district plan under par.  
21 (b), the board may decrease the number of supervisors. In that case, the board shall  
22 redistrict, readjust, and change the boundaries of supervisory districts, so that the  
23 number of districts equals the number of supervisors, the districts are substantially  
24 equal in population according to the most recent countywide federal census, the  
25 districts are in as compact a form as possible, and the districts consist of contiguous

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## SENATE BILL 150

## SECTION 21

1 municipalities or contiguous whole wards in existence at the time at which the  
2 redistricting plan is adopted, except as authorized in par. (b) 1. In the redistricting  
3 plan, the board shall adhere to the requirements under par. (b) 2. with regard to  
4 contiguity and shall, to the extent possible, place whole contiguous municipalities or  
5 contiguous parts of the same municipality within the same district. In redistricting  
6 under this subdivision, the original numbers of the districts in their geographic  
7 outlines, to the extent possible, shall be retained. No plan may be enacted under this  
8 subdivision during review of the sufficiency of a petition filed under subd. 2. nor after  
9 a referendum is scheduled on such a petition. However, if the electors of the county  
10 reject a change in the number of supervisory districts under subd. 2., the board may  
11 then take action under this subdivision except as provided in subd. 3. The county  
12 clerk shall file a certified copy of any redistricting plan enacted under this  
13 subdivision with the secretary of state.

14 SECTION 22. 59.10 (6) of the statutes is amended to read:

15 59.10 (6) ENFORCEMENT OF DIVISION REQUIREMENT. If a county fails to comply  
16 with sub. (2) (a) or (3) (b), any municipality located in whole or in part within the  
17 county or any elector of the county may submit to the circuit court for the county  
18 within 14 days from the expiration of either ~~60-day~~ 45-day period under sub. (2) (a)  
19 or (3) (b) a proposed tentative supervisory district plan or a final plan for creation of  
20 supervisory districts in compliance with this section. If the court finds that the  
21 existing division of the county into supervisory districts fails to comply with this  
22 section, it shall review the plan submitted by the petitioner and after reasonable  
23 notice to the county may promulgate the plan, or any other plan in compliance with  
24 this section, ~~as a temporary supervisory district~~ and the plan shall be in effect until

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1 superseded by a ~~districting~~ plan adopted by the board in compliance with this  
2 section.

3 SECTION 23. 62.08 (1) of the statutes is amended to read:

4 62.08 (1) Within ~~60~~ 45 days after the wards have been readjusted under s. 5.15  
5 (1) and (2) the common council of every city, including ~~any~~ every 1st class city of the  
6 first class, shall redistrict the boundaries of its aldermanic districts, by an ordinance  
7 introduced at a regular meeting of the council, published as a class 2 notice, under  
8 ch. 985, and thereafter adopted by a majority vote of all the members of the council,  
9 so that all aldermanic districts are as compact in area as possible and contain, as  
10 nearly as practicable by combining contiguous whole wards, an equal number of  
11 inhabitants according to the most recent decennial federal census of population.  
12 Territory within each aldermanic district to be created under the plan shall be  
13 contiguous, except that territory within the city that is wholly surrounded by another  
14 city or water, or both, may be combined with noncontiguous territory, or island  
15 territory, as defined in s. 5.15 (2) (f) 3., may be combined with noncontiguous territory  
16 within the same municipality to form an aldermanic district. The aldermanic district  
17 plan shall not include provision for division of any census block unless the block is  
18 bisected by a municipal boundary or the division is made as required under s. 5.15  
19 (2) (c). The populations of the aldermanic districts shall be determined on the basis  
20 of the federal decennial census and any official corrections to the census to reflect the  
21 correct populations of the municipality and the blocks within the municipality on  
22 April 1 of the year of the census, if the corrections are issued prior to division of the  
23 municipality into wards under s. 5.15. Within 45 days after enactment or adoption  
24 of a revised division ordinance or resolution under s. 5.15 (4) (a), the common council

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1 shall amend the aldermanic district plan to reflect any renumbering of the wards  
2 specified in the plan.

3 **SECTION 24.** 62.08 (2) of the statutes is amended to read:

4 62.08 (2) If territory becomes a part of any city after ~~adoption of the ordinance~~  
5 ~~under sub. (1)~~ April 1 of the year of the federal decennial census, the limitations of  
6 s. 5.15 relating to population or area do not apply to the creation of new wards in the  
7 attached territory, or to the addition of the territory to an existing ward, but no ward  
8 line adjustment may cross the boundary of ~~an~~ a congressional, assembly, or  
9 supervisory district.

10 **SECTION 25.** 62.08 (4m) of the statutes is amended to read:

11 62.08 (4m) If in a city that is solely contained within one county the aldermanic  
12 districts are coterminous with the supervisory districts of the county and the county  
13 board decreases the number of supervisors in the county after enactment of a  
14 redistricting plan under s. 59.10 (3) (cm), the common council of the city may, by a  
15 majority vote of all of the members of the council, no later than November 15  
16 immediately preceding the expiration of the terms of office of members of the council,  
17 decrease the number of aldermanic districts and the corresponding number of  
18 members of the council in the city to maintain coterminous boundaries between the  
19 aldermanic and supervisory districts and may change the expiration date of the term  
20 of any council member to an earlier date than the date provided under the current  
21 ordinance if required to implement the redistricting or to maintain classes of  
22 members. Any amended aldermanic district plan that is adopted under this  
23 subsection is subject to the same procedures and requirements that apply to  
24 decennial plans adopted under sub. (1).

25 **SECTION 26.** 62.08 (5) of the statutes is amended to read:

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1           62.08 (5) If a city fails to comply with sub. (1), any elector of the city may submit  
2 to the circuit court for any county in which the city is located within 14 days from the  
3 expiration of the ~~60-day~~ 45-day period under sub. (1) a proposed plan for creation  
4 of aldermanic districts in compliance with this section. If the court finds that the  
5 existing division of the city into aldermanic districts fails to comply with this section,  
6 it shall review the plan submitted by the petitioner and after reasonable notice to the  
7 city may promulgate the plan, or any other plan in compliance with this section, as  
8 a temporary aldermanic district plan until superseded by a districting plan adopted  
9 by the council in compliance with this section.

10           **SECTION 27.** 119.08 (1) (b) of the statutes is amended to read:

11           119.08 (1) (b) Within ~~60~~ 45 days after the common council of the city enacts an  
12 ordinance ~~determining or adopts a resolution adjusting~~ the boundaries of ~~the~~  
13 ~~aldermanic districts~~ wards in the city following the federal decennial census under  
14 s. ~~62.08 5.15~~ (1) and (2), the board shall, by vote of a majority of the membership of  
15 the board, adopt an election district apportionment plan for the election of board  
16 members which shall be effective until the city enacts a new ordinance under s. 62.08  
17 (1) ~~redetermining the aldermanic district boundaries~~ adjusting the boundaries of its  
18 wards under s. 5.15 (1) and (2).

19           **SECTION 28.** 751.035 of the statutes is created to read:

20           **751.035 Assignment to a judicial panel; appeals.** (1) Upon receiving  
21 notice under s. 801.50 (4m), the supreme court shall appoint a panel consisting of 3  
22 circuit court judges to hear the matter. The supreme court shall choose one judge  
23 from each of 3 circuits and shall assign one of the circuits as the venue for all hearings  
24 and filings in the matter.





State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBa1405/1

JTK:cjs:jf

SENATE AMENDMENT 4,  
TO 2011 SENATE BILL 150

July 15, 2011 – Offered by Senator ZIPPERER.

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

2 1. Page 5, line 10: delete “60 45” and substitute “60”.

3 2. Page 7, line 24: delete “The division” and substitute “The Except as provided  
4 in par. (c), the division”.

5 3. Page 8, line 14: after “act.” insert “Nothing in this paragraph shall be  
6 construed to compel a county or city to alter or redraw supervisory or aldermanic  
7 districts.”.

8 4. Page 8, line 22: after that line insert:

9 “SECTION 9m. 5.15 (4) (c) of the statutes is created to read:

10 5.15 (4) (c) Wards that are created to effect an act of the legislature redistricting  
11 legislative districts or congressional districts and wards authorized under sub. (2)  
12 (bm), (c), (e), or (f) or (7) may be numbered with a combination of whole numbers and  
13 letters.”.





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LRBa1410/1  
PJH:nwn:jf

SENATE AMENDMENT 5,  
TO 2011 SENATE BILL 150

July 19, 2011 – Offered by Senator ZIPPERER.

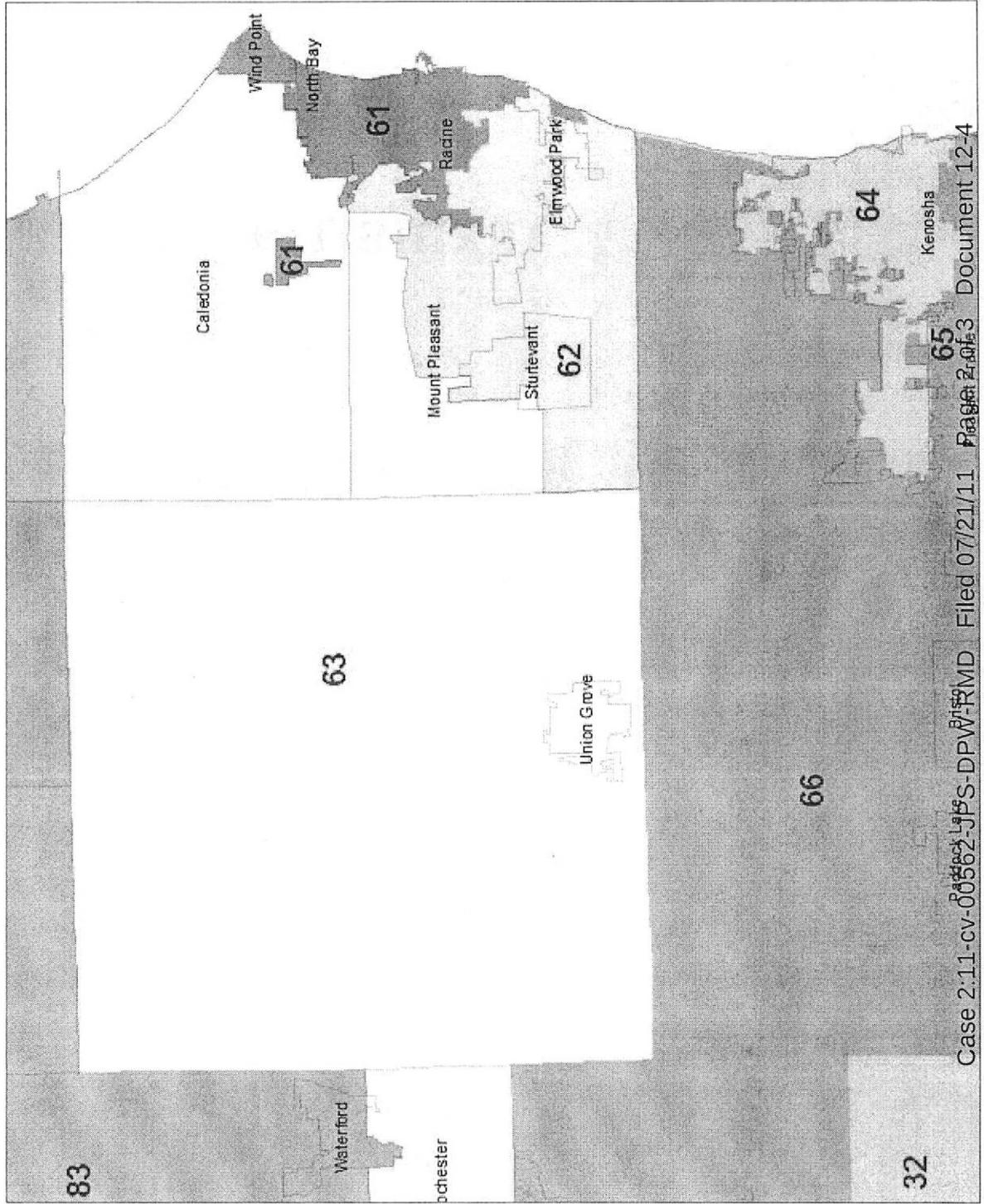
1 At the locations indicated, amend the bill as follows:

2 **1.** Page 20, line 4: delete “shall” and substitute “may”.

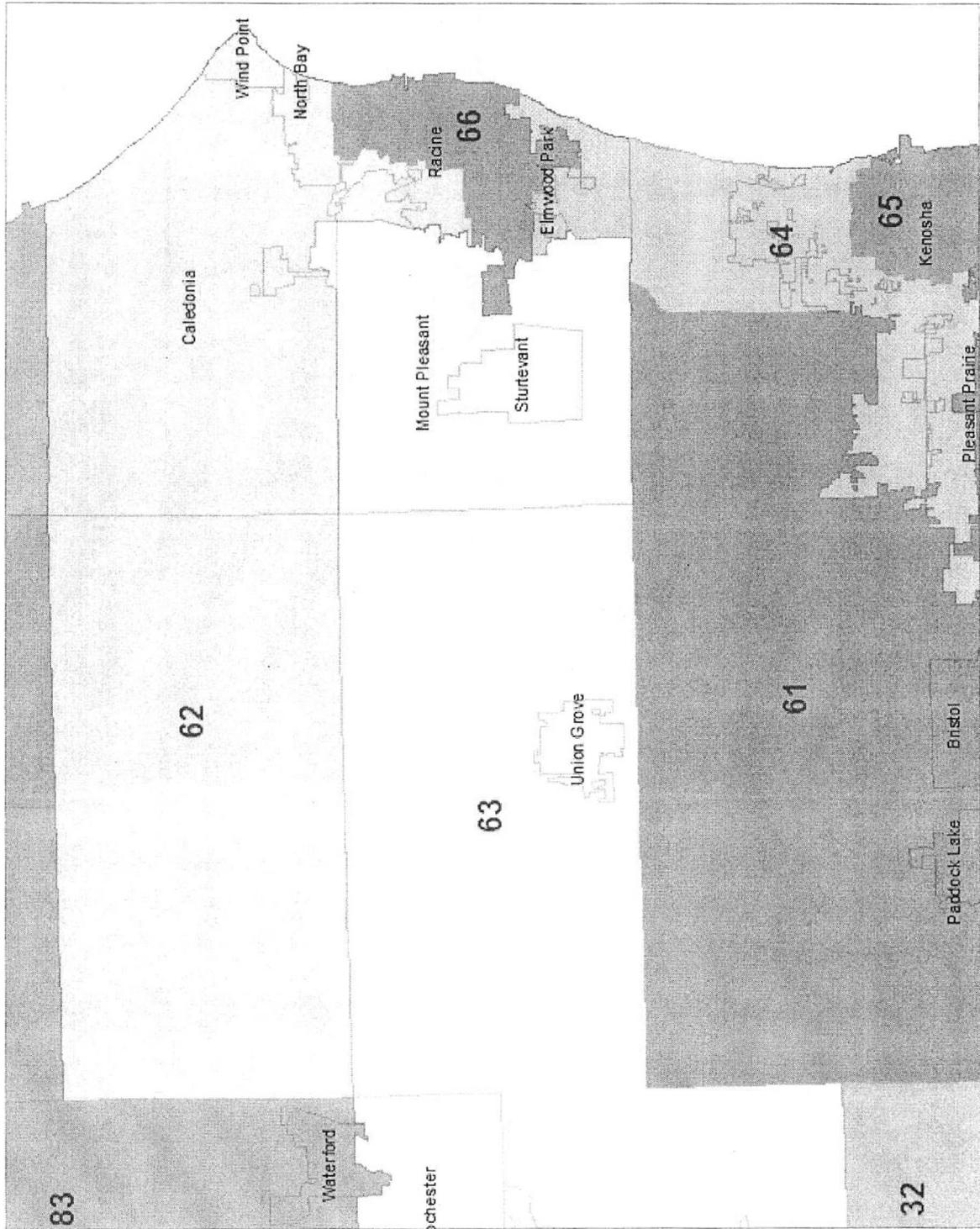
3 (END)

**EXHIBIT D**

### 2002 Racine/Kenosha Districts



**2011 Racine/Kenosha Districts**



# **Exhibit C**

## State of Wisconsin\Government Accountability Board

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JUDGE THOMAS H. BARLAND  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

**DATE:** October 19, 2011

**TO:** Robert Marchant, Senate Chief Clerk  
Patrick Fuller, Assembly Chief Clerk

**FROM:** Kevin J. Kennedy, Director and General Counsel  
Government Accountability Board

**SUBJECT:** Legislative Redistricting: Effective Date and Use of State Funds

On September 6, 2011, Jonathan Becker, Nathaniel Robinson and I from the Government Accountability Board ("G.A.B.") met with you and staff of the Legislative Council to discuss the impact of redistricting on incumbent legislators. Prior to this meeting, you and Legislative Council staff received a number of inquiries about the impact of 2011 Wisconsin Act 43 with respect to the ability of incumbent legislators to communicate with constituents and to run for and hold legislative office. Because these were not new issues, we agreed to review past decisions of the former Elections and Ethics Boards and guidance from the Department of Justice.

On October 10, 2011, I received copies of past guidance from the Department of Justice. G.A.B. staff forwarded this information to Legislative Council staff and you. We had a brief meeting on October 12, 2011, in which you asked whether a 1982 Attorney General Opinion, OAG 48-82, 71 Wis. Op. Atty. Gen. 157 (Wis. A.G. 1982), resolved the issues on the use of state funds by incumbent legislators to communicate with constituents and travel in legislative districts created by 2011 Wisconsin Act 43, as well as the conduct of special or recall elections. At the time of that meeting, I believed it did, but I noted that the G.A.B. staff had not fully analyzed the material.

After reviewing all of the material, the G.A.B. staff believes that the 1982 Attorney General Opinion to Senator Risser (71 Wis. Op. Atty. Gen. 157 (Wis. A.G. 1982)) is not directly on point with the current issue. That opinion was based on a federal court finding that existing legislative districts were unconstitutional. As a consequence of that finding, the federal district court specifically ordered that the then-existing legislative districts could not be used for purposes of nomination and election after June 17, 1982, at which time and by the same court order new legislative district lines became effective. In the present situation, unlike 1982, there has been no judicial determination that the existing legislative districts are unconstitutional, and the Legislature has specifically addressed the initial applicability of 2011 Wisconsin Act 43 for various purposes.

Although the 1982 Attorney General Opinion is not directly on point, some of its language, as well as subsequent opinions including a 1983 Attorney General Opinion (OAG 47-83, 72 Wis. Op. Atty. Gen. 172 (Wis. A.G. 1983)), and the language of 2011 Wisconsin Act 43 itself all provide helpful analysis and application to the current situation, as affected by 2011 Wisconsin Act 43.

At the October 12, 2011 meeting, I promised to provide the G.A.B. staff position as quickly as possible. Below are the G.A.B. staff opinions and analyses regarding the initial applicability of

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2011 Wisconsin Act 43 with respect to 1) elections, and 2) communication and representation of constituents.

**1. Initial Applicability Date with Respect to Elections: November 6, 2012**

**a. Opinion**

It is the G.A.B. staff's position that the legislative districts created by 2011 Wisconsin Act 43 are not in effect for the purpose of "special or recall elections to offices filled or contested" prior to the General Election on November 6, 2012.

**b. Analysis**

The Legislature enacted legislation reapportioning the legislative districts and members, 2011 Wisconsin Act 43, as required by the state constitution. Wis. Const. art. IV, § 3. The legislation was signed by the Governor and published on August 23, 2011. Unless specified in the legislation, every act is effective on the day following publication. WIS. STAT. § 991.11. However, 2011 Wisconsin Act 43 specifically provided for the initial applicability of the act for certain purposes. The Act "first applies, with respect to regular elections, to offices filled at the 2012 general election." 2011 Wis. Act 43, § 10 (1). In addition, the Act "first applies, with respect to special or recall elections, to offices filled or contested concurrently with the 2012 general election." 2011 Wis. Act § 10 (2).

"First applies" historically means that an act is in effect for the first time on a certain date or occurrence and remains in effect after that date or occurrence. *Dettwiler v. Wisconsin Dept. of Revenue*, 2007 WI App 125, ¶6 n.3, 301 Wis. 2d 512, 517, 731 N.W.2d 663, 666 (Wis. Ct. App. 2007).

Wisconsin Stats. s. 5.02 (5) defines "general election" as the election held in even-numbered years on the Tuesday after the first Monday in November conducted to elect, among other offices, state senators and representatives to the assembly. WIS. STAT. §5.02 (2011). The next general election will occur on November 6, 2012.

By the specific terms of 2011 Wisconsin Act 43, any recall election or special election to fill a vacancy conducted before November 6, 2012 shall be conducted in the legislative districts in effect prior to the enactment of 2011 Wisconsin Act 43. For example, the special election to fill the vacancy in the 95<sup>th</sup> Assembly District was ordered by the Governor on September 2, 2011 to be conducted under the district lines in effect before the passage of 2011 Wisconsin Act 43. 2011 Executive Order 41.

This differs significantly from the situation presented in 1982 when the Attorney General Opinion (71 Wis. Op. Att. Gen. 157) was issued. As noted above, in 1982, a federal court had found that existing legislative districts were unconstitutional and ordered all subsequent elections to be conducted under a reapportionment plan set out in the court order and beginning on the specific date of June 17, 1982. *The Wisconsin State AFL-CIO et al. v. Elections Board et al.*, No. 82-C-0112 (E.D. Wis. 1982). In the 1982 Attorney General Opinion to Senator Risser (71 Wis. Op. Att. Gen. 157), the Attorney General interpreted and applied this specific court order and opined that the former districts were not in effect for the conduct of elections or the use of public funds by incumbent legislators after June 17, 1982. The Attorney General's opinion was released on August 19, 1982,

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and therefore the language in the opinion assumes that the new court-ordered legislative districts were already in place and effective.

The meaning and effect of the initial applicability provisions of 2011 Wisconsin Act 43 are better understood in the context of the October 4, 1983 Attorney General Opinion to Representative Loftus (72 Wis. Op. Atty. Gen. 172). Here, the Attorney General offered an opinion on the effective dates of the redistricting described in 1983 Wisconsin Act 29, the Act adopted to replace the federal district court's redistricting plan that had been effective since June 17, 1982.<sup>1</sup> This Attorney General's opinion concluded that the effective date of the Act is also the effective date for new legislative districts unless the legislature specifically provided other exceptions to the initial applicability of the Act for certain purposes. The Attorney General opinion concluded that, by reason of Wisconsin Stats. s. 991.11, the publication date of the Act, July 20, 1983, was also the effective date of the Act except for specific statutory exceptions. The only exception in the Act was related to specific language setting the initial applicability of sections 8.15(9) and 8.20(10) of the statutes, which related to the Election Board's duty to provide new district maps to candidates.

The language of 2011 Wisconsin Act 43 is very clear as to the initial applicability exceptions from the Wisconsin Stats. s. 991.11 effective date of the Act (August 24, 2011). The Act initially applies for the purposes of regular elections to offices filled at the 2012 general election and to special or recall elections to offices filled or contested concurrently with the 2012 general election. Therefore, for purposes of any elections in 2012, the new legislative districts found in Act 43 do not apply to special or recall elections to offices filled or contested prior to the November 6, 2012 general election.

## **2. Initial Applicability Date with Respect to Communication and Representation of Constituents: August 24, 2011**

### **a. Opinion**

It is the G.A.B. staff's position that beginning on August 24, 2011, neither this legislation nor any provisions of the Code of Ethics for Public Officials and Employees, Wisconsin Stats. Ch 19, Subchapter III, restricts the use of public funds by incumbent legislators to send mail or travel within the boundaries set forth in 2011 Wisconsin Act 43 for the purpose of conducting legislative business.

### **b. Analysis**

- i. 2011 Wisconsin Act 43 is effective as of August 24, 2011 for representation purposes.

The effective date of 2011 Wisconsin Act 43 with respect to representation differs from its effective date for election purposes. The 1982 Attorney General Opinion to Senator Risser (71 Wis. Op. Att. Gen. 157) specifically provides that with respect to the former legislative districts, the "vitality

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<sup>1</sup> The 1982 redistricting plan was found unconstitutional in 1992, following the 1990 census. See *Prosser et al. v. Elections Board, et al.*, 793 F. Supp. 859, 865 (W.D. Wis. 1992). In 1992, a three-judge panel created a redistricting plan that was effective for all elections held after June 2, 1992. *Prosser v. Elections Board*, 793 F. Supp. at 871. The 1992 redistricting plan was held unconstitutional in 2002, following the 2000 census. See *Baumgart et al. v. Wendelberger*, Case No. 01-C-0121; see *Jenson et al. v. Wendelberger*, Case No. 02-C-0366. The federal district court created a redistricting plan that was effective for all elections held after May 30, 2002. *Id.* However, 1983 Wisconsin Act 22, first held unconstitutional in the context of the 1990 census, was not challenged as unconstitutional between its effective date of July 29, 1983 and the 1990 census. *Prosser v. Elections Board*, 793 F. Supp. at 871

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depends upon the purpose being inquired into." OAG 48-82, 71 Wis. Op. Att. Gen. 157 (Wis. A.G. 1982). The 1983 Attorney General Opinion to Representative Loftus (72 Wis. Op. Atty. Gen. 172) emphasized that even though the Elections Board did not need to provide new district maps to candidates until the 1984 primary and general elections, this did not mean that the "the new districts [we]re not effective before 1984." 72 Wis. Op. Atty. Gen. 172. Thus, even though the new districts do not take effect for election purposes until November 6, 2012, this does not mean that 2011 Wisconsin Act 43 is not effective for other purposes before that date.

It appears that it is constitutionally permissible, per the 1983 Attorney General Opinion, for the Legislature to enact redistricting legislation that will "apportion and district anew the members of the senate and assembly," Wis. Const. art IV, Section 3, upon publication of an act, while at the same time the act provides exceptions for initial applicability of the act for specific purposes. In 2011 Wisconsin Act 43, it seems the Legislature intended to effectuate the Act on the Wis. Stats. s. 991.11 date (August 24, 2011) for purposes of representation.

ii. 2011 Wisconsin Act 43 does not affect the current status of elected officials.

Even though the new districts took effect on August 24, 2011, this does not affect the current status of elected senators and representatives. The 1982 Attorney General Opinion to Senator Risser (71 Wis. Op. Att. Gen. 157) and the 1983 Attorney General Opinion to Representative Loftus (72 Wis. Op. Atty. Gen. 172) also provide applicable guidance on the treatment of the residence of incumbent legislators with respect to retaining their current office and running for election under the new district plan. The former Elections Board applied these opinions in response to inquiries with respect to the 2002 redistricting. Correspondence to Representative David Travis, April 25, 2002. In the response to Representative Travis, the Elections Board noted that for purposes of representation (and absent contrary language in the act or statute), redistricting takes effect with the adoption of the new plan. Representation is based on a previous election and holding office, not on a future reelection. Seeking reelection is not relevant to representation and is only relevant to campaigning for the office to which a candidate seeks election.

iii. 2011 Wisconsin Act 43 does not change how current elected officials may use state funds.

The new legislation does not affect the laws governing how currently sitting elected officials who seek reelection or election to another office may use state funds. The guidance from the Attorney General in 1983 discussed the use of state funds by incumbent legislators with respect to the former and new districts under the judicial and legislative plans. 72 Wis. Op. Atty. Gen. 172. The opinion noted that the restrictions of Wis. Stats. s. 11.33, limiting the use of public funds after the first day for circulating nomination papers, are still applicable. It also provided that a legislator may not use funds for a purely private, non-public, purpose. However, a legislator may expend funds which have been appropriated for the legislator's use for mailings and travel within or outside the legislator's district if connected with the legislator's representation of his or her constituents subject to legislative rules and applicable statutes. 72 Wis. Op. Atty. Gen. 172.

The G.A.B. and the former Ethics Board have consistently found that great deference should be given to the Legislature's determination of public purpose consistent with other statutes such as the restriction on the distribution of 50 or more substantially similar items or communications after the first date for circulating nomination papers, see Wis. Stats. s. 11.33, the use of public office to obtain a private benefit, see Wis. Stats. s. 19.45 (2), or the use of public office to obtain an unlawful benefit

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or advantage, see Wis. Stats. s. 19.45 (5). In light of the discussion in the 1983 Attorney General opinion, the use of public funds to communicate or travel in districts related to the legislator's initial election or subsequent re-assignment by 2011 Wisconsin Act 43 does not appear to be actively designed to obtain a private benefit or unlawful benefit or advantage as restricted under the Code of Ethics for Public Officials.

The Legislature appears to have developed fiscal and policy restraints on the use of public funds by legislators with respect to constituent communication and travel. The proposed policy that permits the use of public funds within those constraints to communicate and travel within the district from which a legislator was elected and the related district under 2011 Wisconsin Act 43 does not contravene provisions in Wis. Stats. s. 19.45. Such communications are, however, also subject to the limitation in Wis. Stats. s. 11.33.

This does not mean that a legislator may use public funds for communications or travel to obtain a private benefit or unlawful benefit or advantage, including for campaign purposes. The G.A.B. would investigate a complaint that set forth facts alleging such activity.

### 3. Conclusion

This is an opinion of the G.A.B. staff. It is not an opinion issued pursuant to Wis. Stats. s. 5.05 (6a). As we discussed in our initial meeting, the staff plans to present its conclusions to the Board in the form of recommended guidance to share with legislators and the public.

Sincerely,

**GOVERNMENT ACCOUNTABILITY BOARD**



Kevin J. Kennedy  
Director and General Counsel