

**CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511**

Date: May 11, 2009

MEMORANDUM

TO: Mayor Dave Cieslewicz
Mark Olinger, Director of DPCED
Maribeth Witzel-Behl, City Clerk

FROM: Michael P. May, City Attorney

RE: Timing For Census and City Redistricting

I was asked recently to check the statutes on the timing for the City of Madison to undertake its redistricting after next year's census.

1. According to the US Census Bureau website, census questionnaires will be distributed in March, 2010 and are to be returned by April 1, 2010. The Bureau must certify the census to the President by December 31, 2010. I assume that there will be some delay in when census data is available to localities. But we can assume that the data will be available sometime in late winter or early spring, 2011.
2. Under sec. 59.10(3)(b)1., Wis. Stats., Dane County is to prepare a tentative supervisory district plan within 60 days of receipt of the census data, but no later than July 1, 2011. The County forwards this plan to City.
3. Under sec. 5.15(1)(b), Wis. Stats., within 60 days of receipt of the tentative plan from the County, the City must redraw its wards. The City is to attempt to follow the County's tentative plan, but it is not required. All property and only property in the City as of August 1, 2011, is to be contained in the plan. The City must follow the conventions of sec. 4.003, Wis. Stats., in drawing wards. It also must try to follow existing wards if possible. The County and the State then use the City's wards in drawing new district lines for their elected positions.
4. The August 1 deadline for inclusion of land suggests that the City will likely be looking at a time period of July - August, 2011 to draw its wards. This may be problematic, since there normally is only one Council meeting in August and many people are on holiday. I did not see any ability to seek an extension of these deadlines from the State.
5. Note the population requirements of sec. 5.15(2)(b), Wis. Stats. Each ward is to have at least 1,000 and not more than 4,000 inhabitants.

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6. Under 5.15(1)c , Wis. Stats., the new wards are to be applied to the local elections beginning on January 1 of the 2d year commencing after the year of the census. This will be elections held after January 1, 2012. So for the City's purposes, the existing wards will be used for the 2011 elections. The new wards will be used for the 2013 elections.

CC: Alder Tim Bruer
Alder Mark Clear
Janet Piraino