



Wisconsin Elections Commission

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DATE: October 11, 2021

TO: Wisconsin County Clerks
Wisconsin Municipal Clerks
City of Milwaukee Election Commission
Milwaukee County Election Commission

FROM: WEC Staff

SUBJECT: 2020 Redistricting Preparations

Background

This communication will provide basic information about redistricting, the WEC's role, where to find additional resources, and what changes clerks should expect in WisVote because of redistricting. WEC staff will continue to post updates on the redistricting progress and activities as we complete this collaborative process.

On August 16, 2021, the 2020 Census data was published to WISE-LR, a web application developed by the Legislative Technology Services Bureau (LTSB) to assist local governments and counties with local redistricting in Wisconsin, officially kicking off the local redistricting process. The Legislative Reference Bureau describes local redistricting as having three phases in their [2020 Redistricting Guidebook](#):¹

Local redistricting in Wisconsin occurs in three phases and requires cooperation and coordination among counties and their respective municipalities. The process starts at the county level in Phase 1, with counties adopting tentative supervisory district plans; moves to the municipal level in Phase 2, in which municipalities adjust ward boundaries as needed; and concludes in Phase 3, with counties adopting final supervisory district plans and cities adopting aldermanic districts if applicable. Each of the three phases consists of a 60-day work period, and each phase must be completed before the next phase may begin.

In previous redistricting cycles, the U.S. Census Bureau scheduled delivery of the initial data to the State of Wisconsin no later than March 31 of the year after the census. As a result of the COVID-19 global pandemic, the publication of census data was severely delayed. In response, many counties and municipalities are working from truncated timelines that do not use the allotted 60-day work period between phases. In a recent WEC survey of municipal and county clerks, 67% planned to complete local redistricting within 2021 in time to be used for the 2022 Spring Election, with another 31% answering "not sure" or offering a comment. Only the remaining 2% answered no. Of respondents,

¹ https://docs.legis.wisconsin.gov/misc/lrb/wisconsin_elections_project/redistricting_wisconsin_2020_1_2.pdf

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65% reported they would be using the Wisconsin Counties Association [suggested timeline](#).² At this time, there are no state-level legal challenges to the implementation timeline for local redistricting maps.

Redistricting also includes the redrawing of state level maps for congressional and state legislative seats. The legislature is responsible for the creation of new congressional and legislative district boundaries and does not have a statutorily defined deadline. That said, in order to be implemented, congressional and legislative boundaries must be determined by April 15, 2022. This date is the start of the nomination petition circulation period (*see* Wisconsin Statutes Chapter 8). Adoption of boundaries by the nomination paper circulation deadline will ensure the new boundaries are in place for the 2022 Partisan Primary and that candidates circulating nomination papers are gathering signatures in the correct district.

Roles and Responsibilities

Several agencies and local county and municipal representatives are involved in the redistricting process. The Wisconsin Elections Commission also plays a small role in redistricting. Voter addresses and their associated district combos are maintained in WisVote. The district combo is the smallest possible voting unit in WisVote and its creation is dependent on district map layers. The foundation of each district combo is the voter's ward number, but it also includes school districts and/or sanitary districts. WEC is responsible for updating the maps to reflect ward changes and to maintain address locations (with the help of clerks) in WisVote so that each voter receives the correct ballot. Other agencies and bodies and their involvement in redistricting is outlined below.

Legislative Technology Services Bureau (LTSB)

Provides and supports WISE-LR, the software for creating local maps. Provides training for local officials involved in redistricting including municipal clerks, county clerks, and land information officers.

Legislative Reference Bureau (LRB)

Provides interpretation for redistricting statutes and supports governing bodies from the supreme court to clerks.

Wisconsin State Legislature

Legislative body responsible for creating state level districts.

Land Information Officers

County level position. These experts are responsible for maintaining and preparing county GIS maps and data. They also submit ward updates to the legislature (for redistricting and for annexations) when they occur.

County Clerks

Responsible for working with county government to obtain approval of county supervisory lines and working with their municipalities to create new ward lines. In some cases, responsible for WisVote address data quality and recreating new reporting units on behalf of Relier municipalities.

² <https://www.wicounties.org/wp-content/uploads/2021/07/Redistricting-Timeline-7-19-21-1.pdf>

Municipal Clerks

Responsible for working with municipal government to obtain approval of new ward lines.
Responsible for WisVote address data quality and recreating reporting units.

Impact to WisVote

Addressing

As part of redistricting preparations, staff completed a comprehensive evaluation of addresses that were modified since the last redistricting period. This involved analyzing the locations and formatting of addresses that had not been changed between 2011 and 2020, with the intention of providing the best possible available locations for those addresses. In July 2021, WEC staff had reevaluated 1.7 million pins and marked selected addresses in WisVote for clerks to review. An additional 800,000 addresses were reevaluated for accurate pin placement at the end of this September.

Clerks should check the Address tile data quality views for Invalid or Warning pins that require additional review. Correcting address errors now will limit the number of voters that are improperly districted. This correction is a simple process and just involves moving the address pins on the map to as close to the rooftop of the building as possible.

Please reach out to the WEC HelpDesk for assistance with your addressing related questions. If you are not familiar with addressing work or would like a refresher, please watch the Redistricting and the WEC 101 webinar, accessible under the WisVote Webinar Series tile in TLC (<https://electiontraining.wi.gov/>).

Implementation of Local Redistricting Maps

Once local redistricting wards are completed and WEC is allowed to implement them, staff will combine the new wards with school districts, and any sanitary districts that hold elections, to create new district combos. The existing district combos will be retired, and the new district combos will take effect. Once the new district combos are in place, staff will reassign the addresses to the district combos they fall within. Any records tied to those addresses, including voter records, will then reflect those changes.

Implementation of State Redistricting Maps

Currently, WEC has no information on when state redistricting (assembly, senate, and congressional) lines will become available. For now, WEC staff are proceeding with a plan to implement the local redistricting data without having those lines included. Once those lines are completed, provided by the legislature, and allowed to be implemented, staff will work to combine those with the local redistricting maps so that the finalized lines will be ready for the 2022 fall elections.

It is unknown whether state districts will be built using the local redistricting lines or if they will exist outside those boundaries, so additional district combos or wards may need to be created in WisVote if that were to occur, as it did in some areas in the 2011 redistricting cycle.

Reporting Units

Once new wards have been implemented, clerks will need to recreate reporting units per election type. Cities with a population over 35,000 report election results by ward and will have reporting units recreated consisting of one ward. Other municipalities will need to rebuild their reporting units so that only wards in the same congressional, assembly, state senate districts and county are reported together

for fall elections. We also strongly recommend separating county supervisory districts into different reporting units. This work will be done in the Election Plans tile in WisVote.

FAQs

1. I'm not sure where to start, where can I find more information about my role?

Currently, the only clerk responsibility under WEC purview is that clerks review Invalid or Warning pin addresses for accurate pin placement. If you are a Relier, consider reaching out to your Provider to verify their responsibility for this data.

Beyond WEC responsibilities, please find the resources below from LTSB and LRB:

[Redistricting in Wisconsin 2020: The LRB Guidebook](#) (PDF)

[2021 WISE-LR Software Training for Municipal Clerks](#) (video)

[2021 WISE-LR Software Training for County Clerks](#) (video)

[WISE-LR Help Documentation](#) (PDF)

2. I am in a township, village, or city with a population less than 1,000, what do I need to do?

State law requires only a city, village, or town with a population of 1,000 or more to divide itself into wards. However, if a village or city is found in multiple counties, a ward would be required per county. Multiple wards are also required if territory is split between multiple county supervisor, assembly, senate, or congressional districts.

3. When do local redistricting maps need to be implemented in WisVote for the 2022 Spring elections?

WEC is considering December 1, 2021, the start of nomination paper circulation for the 2022 Spring Election, as a goal date to have updated maps in WisVote for the 2022 Spring Election.

4. Can we use local redistricted maps if the state level redistricted maps aren't ready on the same timeline?

Statutorily, there does not appear to be anything to prevent the use of new wards and locally redistricted districts where the state level districts are not yet available – however this may ultimately be subject to a court or legal decision. Programmatically, WisVote district combos can exist and function for the 2022 Spring Election without associated state level districts and staff is preparing for this possibility.

5. What happens if an incumbent officeholder is “redistricted” out of their current district and their seat is not up for re-election in Spring 2022? Does the incumbent officeholder remain in office until the term they have been elected to expires, or is a vacancy in the office created because the incumbent no longer resides in the new district?

The incumbent officeholder is entitled to serve out their term representing the district from which they were elected. A vacancy does not occur when redistricting or reapportionment causes the incumbent officeholder to not reside within the boundaries of the newly created district. Incumbent officeholders that have been “redistricted” out of their current district continue to serve from the district they were originally elected from but would have to move into the new district if they wanted to run to retain their seat after their term expires. A series of Wisconsin Attorney General Opinions

from the 1980's analyzed this issue in the context of both decennial redistricting and local annexations when an incumbent's district changes, even though the incumbent has not moved. *See* [OAG 48-82](#); [OAG 47-83](#) and [OAG 3-87](#). An incumbent elected official that is "redistricted" out of their current district but is not up for re-election in Spring 2022, remains in office and represents the district until their term expires. A vacancy is not created under Wis. Stat. ch. 17 because the incumbent elected official remains an inhabitant of the district from which he or she was elected and in the instance of redistricting or annexation, the district moves away from the incumbent, not that the incumbent moves away from the district.

6. Do clerks have to send mailings to voters if their wards change? Will WEC be sending anything out?

While this is a nice offering for voters, WEC does not believe a notification of ward change is required due to redistricting. WEC will not be sending out a notification to this effect.

Additional Resources

Local Redistricting Legal Questions:

Legislative Reference Bureau (LRB)
<https://legis.wisconsin.gov/LRB/nav/elections/>
LRB-Redistricting@legis.wisconsin.gov
(608) 504-5898

Local Redistricting Software Questions:

GIS Team
Legislative Technology Services Bureau (LTSB)
<https://legis.wisconsin.gov/ltsb/local-redistricting/>
GIS@legis.wisconsin.gov
(608) 283-1830

U.S. Census Questions:

Dan Veroff
UW-Applied Population Lab (APL)
dlveroff@wisc.edu
(608) 265-9545

If you have any questions regarding WEC's 2020 redistricting preparations, please contact the Elections Help Desk at elections@wi.gov or 608-261-2028.