

WARDS, DISTRICTS, REPORTING UNITS & ANNEXATIONS

Summary

Understanding wards and reporting units is essential to conducting elections. The district makeup of wards influences ballot styles, poll lists, voting equipment programming and reporting of election results. When a city or village annexes territory from a town, it is important to understand how the annexed territory will or will not fit into your existing ward plan.

Wards and Districts

The establishment of wards for purposes of elections and representation is provided in Wis. Stat. § 5.15. Wards are the building blocks from which congressional, state senate, assembly, county supervisory and aldermanic districts are created. All territory, even if unpopulated, must be contained in a ward.

Within a single ward, there can be only **one** of each of the following districts: congressional, state senate, assembly and county supervisory district. In cities each ward may contain only one aldermanic district. (School district boundaries do not follow ward lines, so there may be more than one school district in a given ward.)

A “district” may be one ward or a group of wards. Congressional, state senate and assembly districts are comprised of many wards and cross municipal and county lines. County supervisory districts contain wards in a number of municipalities within the county. Aldermanic districts may be made up of several wards or just one ward within a city. Large or small, all districts are built from wards.

Reporting Units

Election results are reported by “reporting units.” A reporting unit may be one ward or a group of wards. In places where the population is less than 35,000, the governing body may provide in the resolution to combine the election results for each set of combined wards. The governing body of a municipality of 35,000 or more may by resolution combine election returns of a ward with an adjacent ward if the ward has a population of 20 or less and the total population of the combined wards would not exceed that municipality’s population range for wards.

In order to combine two or more wards into one reporting unit, each ward must be made up of like districts. The reporting units for nonpartisan primaries and elections may differ from the reporting units for a partisan primary or general election. Clerks must be mindful of the district composition of the wards within their municipality. Here is an example:

City of Smith has 10 wards, divided into four aldermanic districts. The City is also located in two Assembly Districts: Assembly District 3 and Assembly District 5 (shaded wards).

Spring Primary and Election	
Aldermanic Dist.	Ward
1	1
1	2
1	3
2	4
2	5
2	6
3	7
3	8
4	9
4	10

Fall Primary and Election		
Ward	Congressional Dist.	Assembly Dist.
1	8	5
2	8	3
3	8	3
4	8	3
5	8	5
6	8	3
7	8	3
8	8	5
9	8	5
10	8	3

For the spring nonpartisan primary or election, the wards with like districts would be combined in reporting units that represent the four aldermanic districts, as illustrated above.

- Ald. Dist. 1 = wards 1-3
- Ald. Dist. 2 = wards 4-6
- Ald. Dist. 3 = wards 7 & 8
- Ald. Dist. 4 = wards 9 & 10

However, the same reporting unit plan could not be used in a fall partisan primary or election because the wards that make up each aldermanic district are in two different assembly districts, as illustrated in the Fall Primary and Election chart.

Attempting to report by aldermanic district would result in each reporting unit containing Wards in different assembly districts. (Assembly Dist. 5 wards are shaded.)

- Aldermanic District 1 = Wards 1, 2, 3
- Aldermanic District 2 = Wards 4, 5, 6
- Aldermanic District 3 = Wards 7 & 8
- Aldermanic District 4 = Wards 9 & 10

In order for the fall reporting units to contain wards of like districts, the configuration would be:

Wards 1, 5, 8, 9 (Assembly District 5)

Wards 2, 3, 4, 6, 7, 10 (Assembly District 3)

Annexation

Annexation is the process by which a city or a village acquires unincorporated territory from a neighboring town. The residents of unincorporated territory may petition the governing body of a contiguous city or village for “Direct Annexation” or “Annexation by Referendum” of the territory into the city or village. A city council or village board may also initiate annexation in several different ways, including passing an ordinance to annex a town island or territory owned by the city or village, or by passing a resolution to apply to a circuit court for approval to conduct an annexation referendum. Neighboring municipalities may also resolve a boundary dispute by a stipulation which results in property being annexed to a city or village. The result of any of these procedures is that new territory becomes a part of the annexing municipality.

For more information regarding the various methods of annexation, please refer to the “Annexation Methods” page on the Intergovernmental Relations Division’s portion of the Wisconsin Department of Administration website.

<http://doa.wi.gov/divisions/intergovernmental-relations/municipal-boundary-review/annexation/annexation-methods>

A completed annexation changes the boundaries of the municipality gaining territory and the municipality losing territory. Annexation may introduce new districts to the municipality gaining territory or eliminate districts in the municipality losing territory. While the focus of annexation by governing bodies is often accommodating future development on property that may be currently vacant, the clerks of both municipalities must be aware of the effect the annexation will have on elections and representation in their respective municipalities.

When Annexation Necessitates the Creation of a New Ward

As mentioned earlier, wards are the smallest units from which congressional, assembly, county supervisory and aldermanic districts are created. A single ward

may contain only one of each of these types of districts. All territory, even if unpopulated, must be contained in a ward.

This basic principle also applies to annexation. The municipality annexing the territory may “absorb” the annexed territory into an existing, contiguous ward only if the annexed territory is in the same congressional, assembly and county supervisory districts as the ward to which it is added. *If the congressional, assembly or county supervisory districts in the annexed territory are different from the districts in the ward to which the territory is contiguous, **a new ward must be created** for the annexed territory.*¹ Territory cannot be added to an existing non-contiguous ward, regardless of district composition, except in the case of “Island Territory.”² Island territory is defined as “...territory surrounded by water, or noncontiguous territory which is separated by the territory of another municipality or by water, or both, from the major part of the municipality to which it belongs.” Wis. Stat. § 5.15(2)(f) 3.

Determining Where Annexed Electors Vote

The annexed territory becomes part of the municipality annexing the territory. If the territory is able to be absorbed into an existing ward, voters in the newly-annexed territory will vote in the same municipal district (town, city aldermanic, or village trustee in a few cases) as the other voters in the ward. If a new ward is created, the new residents vote in the municipal district to which they are assigned. Regardless of whether a new ward is required or not, newly-annexed residents will continue to vote in the same congressional, state senate and assembly district as they did before the annexation. Whether the newly-annexed residents continue to vote in the same county supervisory district depends on whether the county adopts a revised division ordinance moving the annexed territory into the same supervisory district as the ward to which it is annexed.

¹ Only a county has the authority to redraw its county supervisory district boundaries between decennial redistricting to move residents of one county supervisory district to another. The county board *may* adopt a revised division ordinance moving the annexed territory into the same supervisory district as the territory to which it is annexed. *See* Wis. Stat. § 59.10(3)(c).

² ...Territory within each supervisory district created by the plan shall be contiguous, except that one or more wards located within a city or village which is wholly surrounded by another city or water, or both, may be combined with one or more noncontiguous wards, or one or more wards consisting of island territory as defined in s. 5.15 (2) (f) 3. may be combined with one or more noncontiguous wards within the same municipality, to form a supervisory district. Wis. Stat. § 59.10(3)(b), 2.

Transferring Voters

The clerk of the municipality losing territory must photocopy each of the original Voter Registration Applications (EL-131s) and current absentee ballot applications of the voters residing in the annexed territory. Each photocopy is marked “transferred.” If the municipality has adopted the records retention periods set forth in Wis. Stat. Sec. 7.23, the photocopied Voter Registration Applications are marked for final disposition four years from the effective date of the annexation, and the photocopied absentee ballot applications are marked for destruction 90 days (non-federal election) or 22 months (federal election) from the date of the most recent election to which the absentee ballot applications applied. If the municipality has adopted longer records retention periods than those specified in Wis. Stats. Sec. 7.23, the Voter Registration Applications and absentee ballot applications are marked for final disposition consistent with such other specified records retention period policy.

The original forms are forwarded to the clerk of the municipality gaining the territory. When the clerk of the municipality who has lost voters forwards a valid absentee ballot request to the clerk who has gained the voters, the “gaining” clerk should honor the request for subsequent elections as requested by the voter.

The clerk of the “gaining” municipality must notify the newly-annexed voters of the location of their new polling place, ward number and voting districts.

Annexation and Polling Places

If the municipality annexing the territory is required to create a new ward because of differing districts, the municipality’s governing body may adopt a resolution, pursuant to Wis. Stat. § 5.15(6)(b), combining the new ward with existing wards for purposes of voting at a common polling place. A new polling place would not be required. If the annexed territory were absorbed into an existing ward, every voter in the newly-configured ward must vote at the same polling place because every voter in any ward has to vote at the same polling place.

Notifying Governmental Units and Other Entities of Annexation

Annexation is not a process performed in a vacuum. It is important for municipal clerks to reach out to other affected entities and keep them informed throughout the

annexation process. Conversely, the municipal clerks can expect to be contacted by other agencies such as the Wisconsin Departments of Revenue (DOR), Public Instruction (DPI), Transportation (DOT) and Agriculture, Trade and Consumer Protection (DATCP).

To facilitate communication to the WEC with respect to annexations, WEC staff has developed the Annexation Checklist & Ward/Voter Information Sheet (EL-100). The EL-100 includes a guide to election administration and WISVOTE processes required upon completion of a successful annexation. This checklist and guide will help to ensure correct processes are followed, and voters are accurately represented within WISVOTE.

The following agencies must to be notified of annexations:

<u>Agency</u>	<u>Documentation</u>
WEC	Approved Annexation Ordinance and completed Annexation Checklist and Ward\ Voter Information Sheet (EL-100)
WI Dept. of Administration (D.O.A.)	Required to review annexations when: <ul style="list-style-type: none">• The annexed territory is in a county with a population of 50,000 or more;• The annexation petition is either a unanimous consent or one-half approval type of annexation.• Annexation, Attachment, Detachment Ordinances must contain:<ol style="list-style-type: none">1) Clerk’s certification that the documents are true and correct copies of originals and bear the clerk’s signature.2) Copy of the ordinance, which must include population of the property being transferred, scale map of the property showing its proximity to the current boundary of the annexing municipality, legal description of the property being transferred, and ordinance effective date. Contact D.O.A. Division of Intergovernmental Relations, Municipal Boundary Review for more information. http://doa.wi.gov/municipalboundaryreview

Affected School Districts Copy of approved annexation ordinance

County Register of Deeds Copy of approved annexation ordinance

Area Utilities Copy of approved annexation ordinance

Municipal clerks should always involve the municipal attorney during the annexation process, or consult the Wisconsin Towns Association or League of Wisconsin Municipalities about procedural or legal questions.

Frequently Asked Questions

1. *Why can't I make unpopulated annexed property part of the contiguous ward even if the districts differ? Nobody votes there anyway.*

Wis. Stat. § 5.15(6)(a) provides "...no ward line adjustment may cross the boundary of a congressional, assembly or supervisory district..." There is no provision in state law that exempts unpopulated territory from this requirement. Ensuring proper ward designation at the time of annexation prevents confusion if vacant land subsequently becomes populated.

2. *If the property being annexed is in the same districts as another ward in the municipality annexing the property, can I "absorb" the annexed property into that ward, even if the ward is not contiguous to the annexed property?*

With the exception of island territory,² the answer is "no." Property cannot be made part of an existing ward if it is not contiguous to that ward. Annexed territory can only be absorbed into an existing ward if:

- the territory being annexed is contiguous to the ward, and
- the districts of the annexed territory are the same as the contiguous ward.

3. *All of the districts in the annexed territory are the same as the contiguous ward, except the school district. Do I have to create a new ward if only the school districts are different?*

No. A new ward is not required to be created if the districts of the annexed territory are identical to the contiguous ward, except for differing school districts.

4. *The districts in the annexed territory are the same as the contiguous ward. The population in the annexed area is currently minimal, but population growth in the area is anticipated. May a new ward be created in anticipation of that expansion?*

Yes. Even though the annexed territory may be absorbed into the contiguous ward, the governing body may choose to make the territory a new ward and aldermanic district when population growth is expected.

5. *The only difference between the annexed territory and the contiguous ward is the County Supervisory district. Can't I just reassign the two voters in the annexed territory to the other County Supervisory District, rather than creating a new ward?*

No. A new ward must be created. The voters in the annexed territory remain in the Supervisory District in which they voted before the annexation unless the county board of supervisors redraws county supervisory district boundary lines to include those voters.