



DANE COUNTY REDISTRICTING 2021

Practical & Legal Considerations
November 9, 2020

Blocks, Wards, Districts

| | Census Block | Municipal Ward | County Supervisory District |
|-------------------------|--|---|--|
| Created by: | U.S. Census Bureau | Town, village or city government | County Board of Supervisors |
| Purpose: | <ul style="list-style-type: none"> Facilitate field counts Minimum geographic unit of data | <ul style="list-style-type: none"> Facilitate creation of districts Basic units for vote counts | Provide fair representation under “1 person, 1 vote” and Voting Rights Act |
| Permanence: | Permanent | <ul style="list-style-type: none"> “As permanent as possible.”¹ Can change where necessary to meet other redistricting objectives. | <ul style="list-style-type: none"> Change every 10 years, after U.S. Census Can change mid-decade (rare) |
| Population: | Varies | Varies, but each ward must be within statutory limits based on community size | Must be “substantially equal.” ² |
| Geographic area: | Varies | Varies | Varies |
| Created from: | Visible, physical and legal boundaries | Census blocks | <ul style="list-style-type: none"> Census blocks Municipal wards Municipal boundaries |

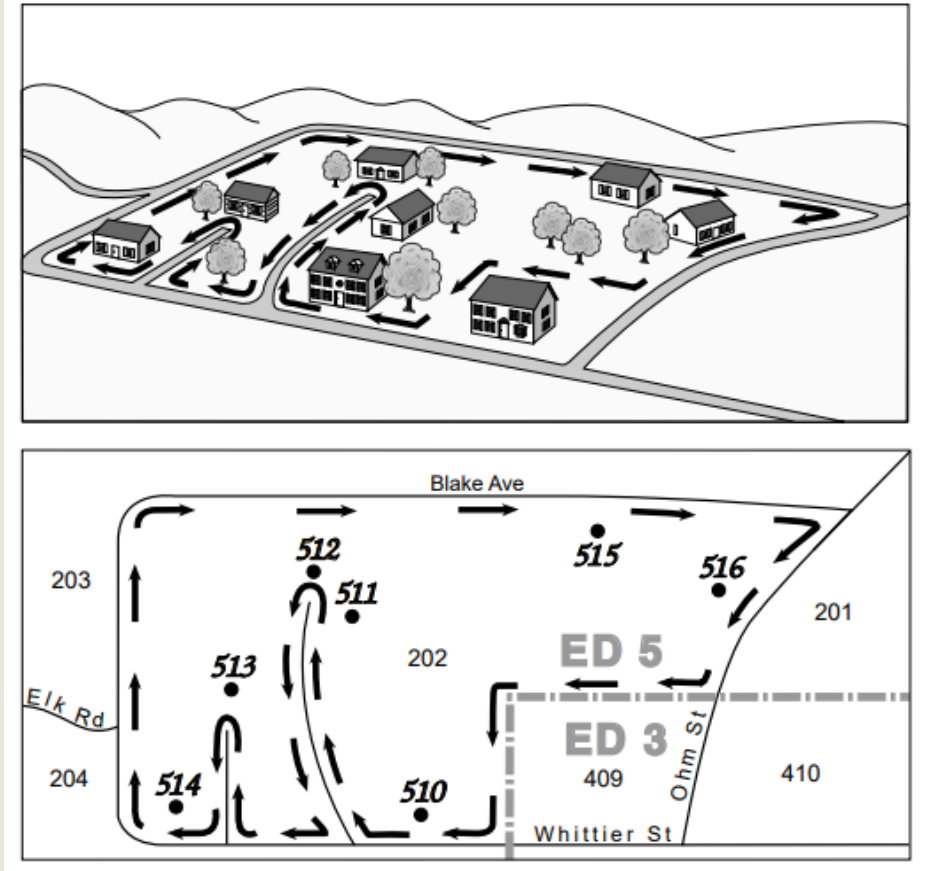
¹ S. 5.15, Wis. Stats.

² S. 59.10, Wis. Stats.

Census Blocks

1. Originally designed for canvassing in the field
2. Formed by:
 1. *streets, roads, railroads, streams and other bodies of water,*
 2. *other visible physical and cultural features,*
and
 3. *legal boundaries*
3. Smallest geographic unit for which census data is available
4. Form the building blocks for wards and districts
5. Vary by size and population

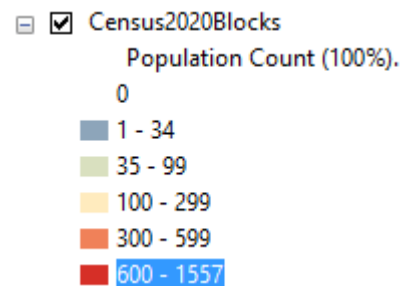
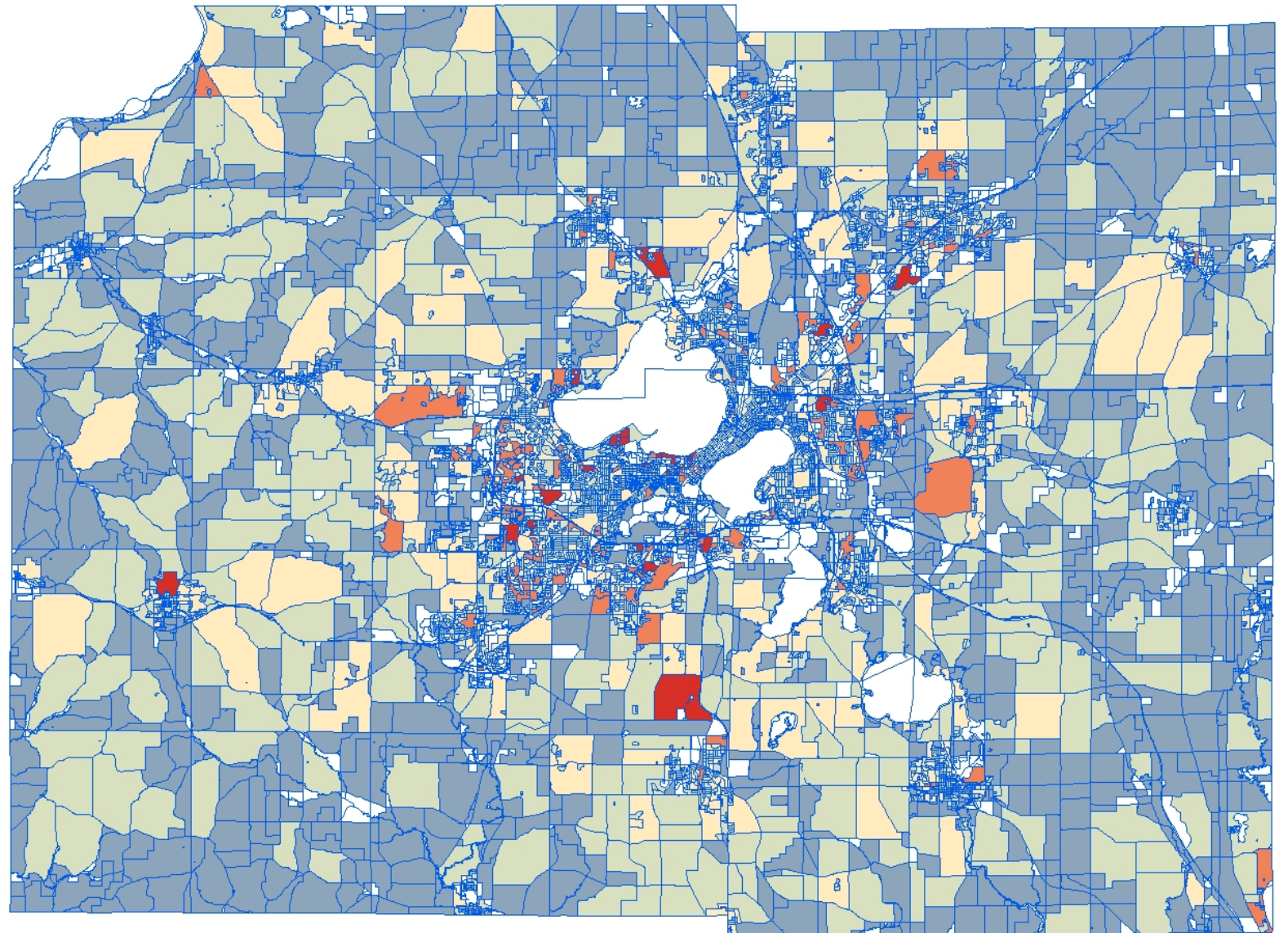
Figure 11-1. Field Enumeration of a Census Block Prior to 1990



Source: U.S. Census Bureau

Dane County Census Blocks

2010 Population by Census Block



1 dot = 10 people, Source 2010 U.S. Census

Drawing county supervisory district lines: Legal factors

All districts should (in priority order):

1. Be “substantially equal in population.”¹
2. Not cross municipal boundaries or wards¹
3. Provide effective representation of minorities under Voting Rights Act²
4. Consider natural geography¹
5. Maintain “communities of interest”¹
6. Disregard incumbency³

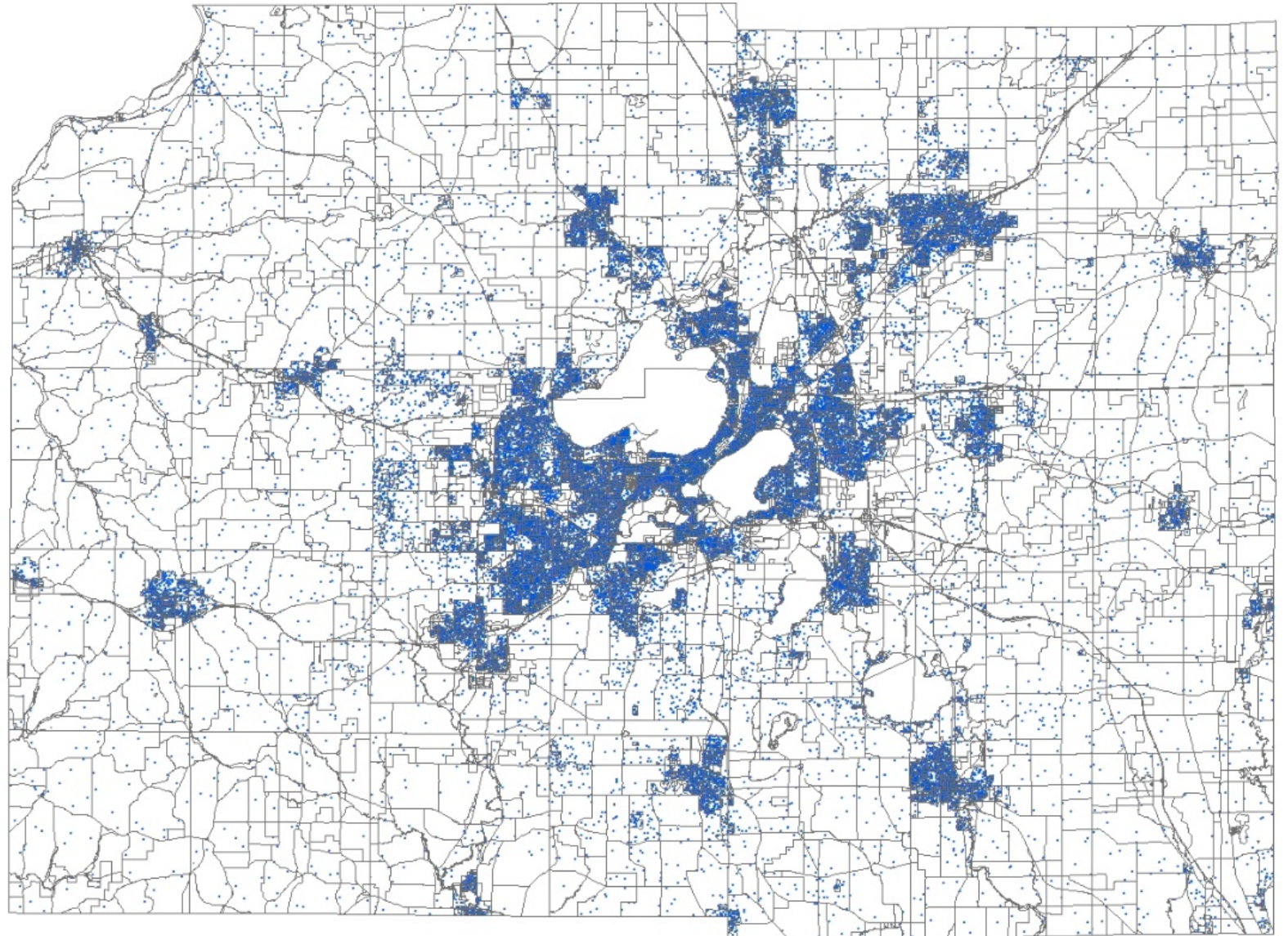
¹S. 59.10(3)(b), Wis. Stats.

²US Code, Title 52, Ch. 103

³S. 15.47(4)(c), Dane County Code

1. Substantially Equal Population

2010 Population by Census Block



1 dot = 10 people, Source 2010 U.S. Census

Substantially equal population

“One Person, One Vote”

- *“...nor shall any State [...] deny to any person within its jurisdiction the equal protection of the laws.”¹*
- Districts must *“...be substantially equal in population.”²*
- Population based on total population, based on U.S. Census, not just voting age.³

¹14th Amendment to the U.S. Constitution

² S. 59.10(3)(b), Wis. Stats.

³ U.S. Supreme Court: Evenwel v. Abbot, 136 U.S. S. Ct. 1120 (2016)

Substantially equal population

What does “substantially equal” mean?

1. “Ideal District Size” =
$$\frac{\text{2020 Population of County}}{\text{\# of Supervisory Districts}}$$
$$\frac{100,000 \text{ people}}{10 \text{ Supervisory Districts}} = 10,000 \text{ people/district}$$

2. “Relative Deviation” =
$$\frac{[2020 \text{ District Population} - \text{Ideal District Size}]}{\text{Ideal District Size}}$$
$$\frac{[10,200 \text{ people in District 1} - 10,000 \text{ Ideal District Size}]}{10,000 \text{ Ideal District Size}} = \frac{+200 \text{ people}}{10,000} = +2\%$$

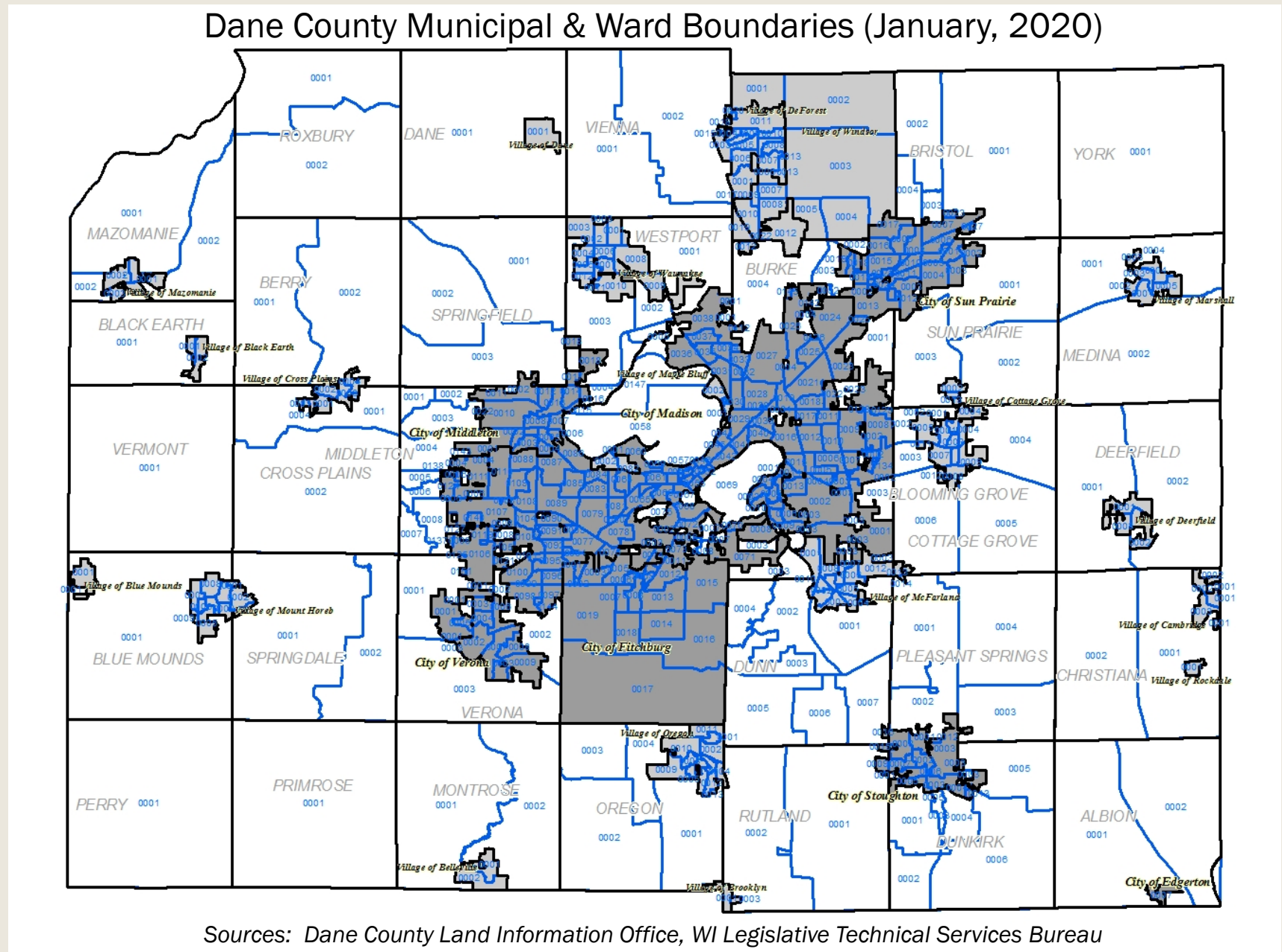
3. “Total Deviation” =
$$[\text{Relative Deviation}_1 + \text{Relative Deviation}_2 + \dots \text{Relative Deviation}_n]$$
$$[(+2\% \text{ District 1}) + (-2\% \text{ District 2}) + \dots (0.5\% \text{ District 10})]$$

Substantially equal population

What does “substantially equal” mean?

- If *Total Deviation* is $< 10\%$, map is *presumably* constitutional.
 - Individual districts might vary more than 10% from ideal district size (probably bad practice and should be minimized, even if legal)
- Total Deviation $> 10\%$ *may* be OK, if county can demonstrate that it's necessary to meet other objectives, such as:
 - Compliance with the Voting Rights Act
 - Meeting other statutory requirements

2. Do Not Cross Municipal Boundaries or Wards



County Supervisory Districts, Municipal Boundaries and Wards¹

- *“In the tentative plan, the board shall, whenever possible, place whole contiguous municipalities or contiguous parts of the same municipality (i.e., “wards”) within the same district.”*
 - *Exceptions include:*
 - If necessary to create districts that are substantially equal in population
 - If necessary to meet requirements of Voting Rights Act
 - Noncontiguous “islands”
- *“The board shall solicit suggestions from municipalities concerning the development of an appropriate plan.”*
- If county proposes a new division, it must make a request to the municipality in writing, with approximate populations of each ward.

¹ S. 59.10(3)(b), Wis. Stats.

Requirements for Wards

S. 5.15, Wisconsin Statutes

- Created by common council, village board or town board
- Boundaries should be as permanent as possible
- Consist of whole census blocks
- **May be in only one municipality, one county supervisory district, one state legislative district and one congressional district**
- Compact
- Keep “communities of interest,” existing neighborhoods and settlements intact
- Should meet population requirements (see below)

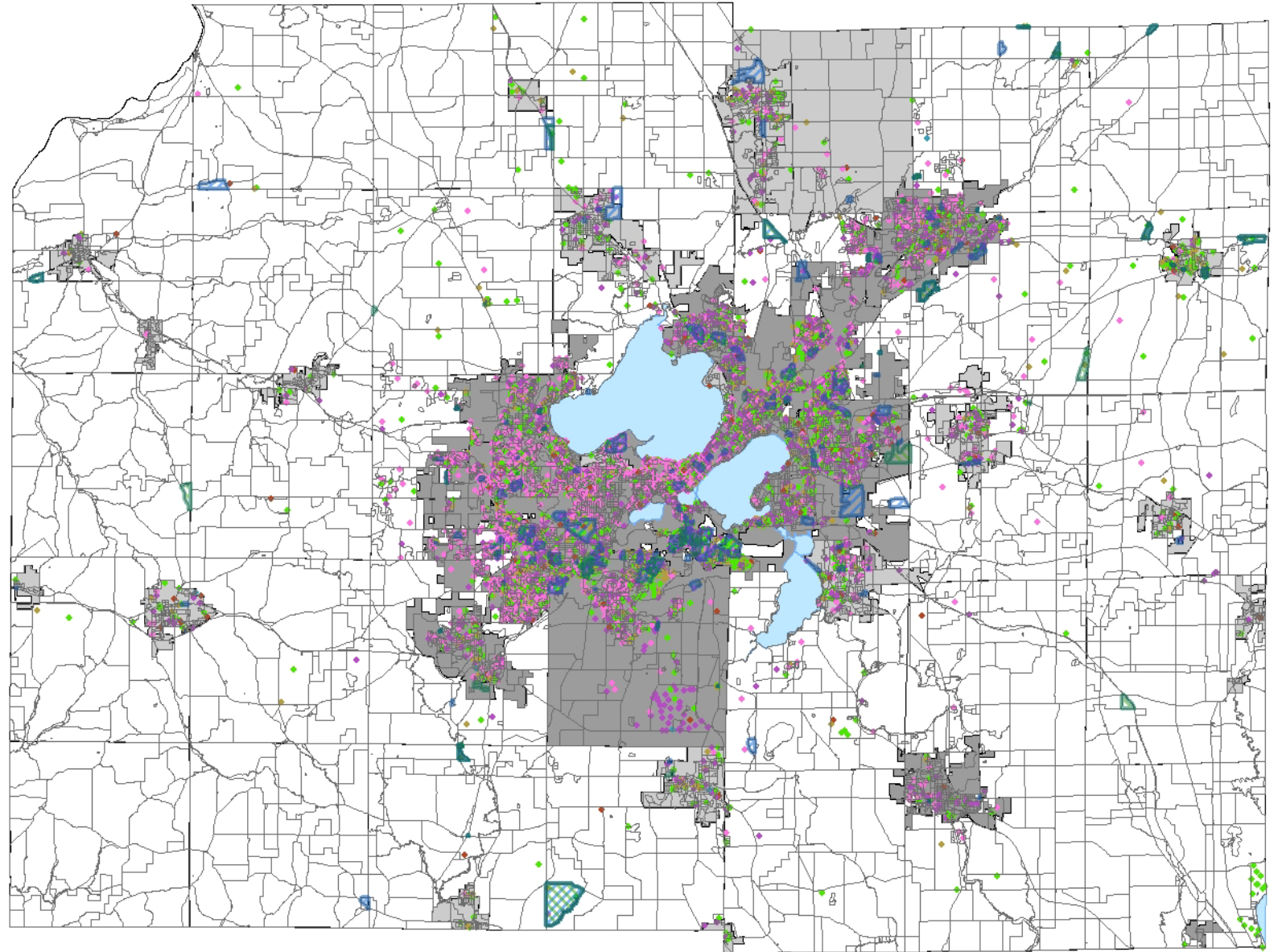
| Community Population | Minimum Ward Population | Maximum Ward Population |
|----------------------|-------------------------|-------------------------|
| 150,000+ | 1,000 | 4,000 |
| 39,000 – 150,000 | 800 | 3,200 |
| 10,000 – 39,000 | 600 | 2,100 |
| 1,000 – 10,000 | 300 | 1,000 |
| < 1,000 | Wards not required | Wards not required |

3. Racial & Ethnic Minorities

Dane County Race & Ethnicity 2010

Layers

- Majority_Hispanic_Census_Blocks
- Majority_Non_White_Census_Blocks
- Hispanic_and_Race_by_Census_Block
 - 1 Dot = 10
 - BLACK
 - ASIAN
 - AMERIND_ALASKA
 - HAWAII_PI
 - OTHER
 - Hispanic
- Municipalities
 - City
 - Village
 - Town
 - Major Lake



Source: Census 2010

Racial and Ethnic Minorities

U.S. Voting Rights Act

- “No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color...¹ [or because they are a member of a language minority group²]...”
- “A violation... is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a [protected] class of citizens ..., in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.³”
- “The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered.³”
- “...nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.³”

¹ US Code, Title 52, Ch. 103: §10301(a)

² US Code, Title 52, Ch. 103: §10303(f)

³ US Code, Title 52, Ch. 103: §10301(b)

Racial and Ethnic Minorities

When must a minority district be created?^{1, 2}

Three tests:

1. Could the minority group make up 50% plus 1 of the voting age population within a “reasonably compact” district?
2. Do significant numbers of minority group members usually vote for the same candidates?
 - In other words, is there *“a consistent relationship between [the] race of the voter and the way in which the voter votes?”*
3. Does the majority vote sufficiently as a bloc to enable it to usually defeat the minority’s preferred candidate?

¹ US Supreme Court: *Thornburg v. Gingles*, 478 U.S. S. Ct. 30, 44 (1986)

² US Supreme Court: *Bartlett v. Strickland*, 129 U.S. S. Ct. 1231 (2009)

Racial and Ethnic Minorities

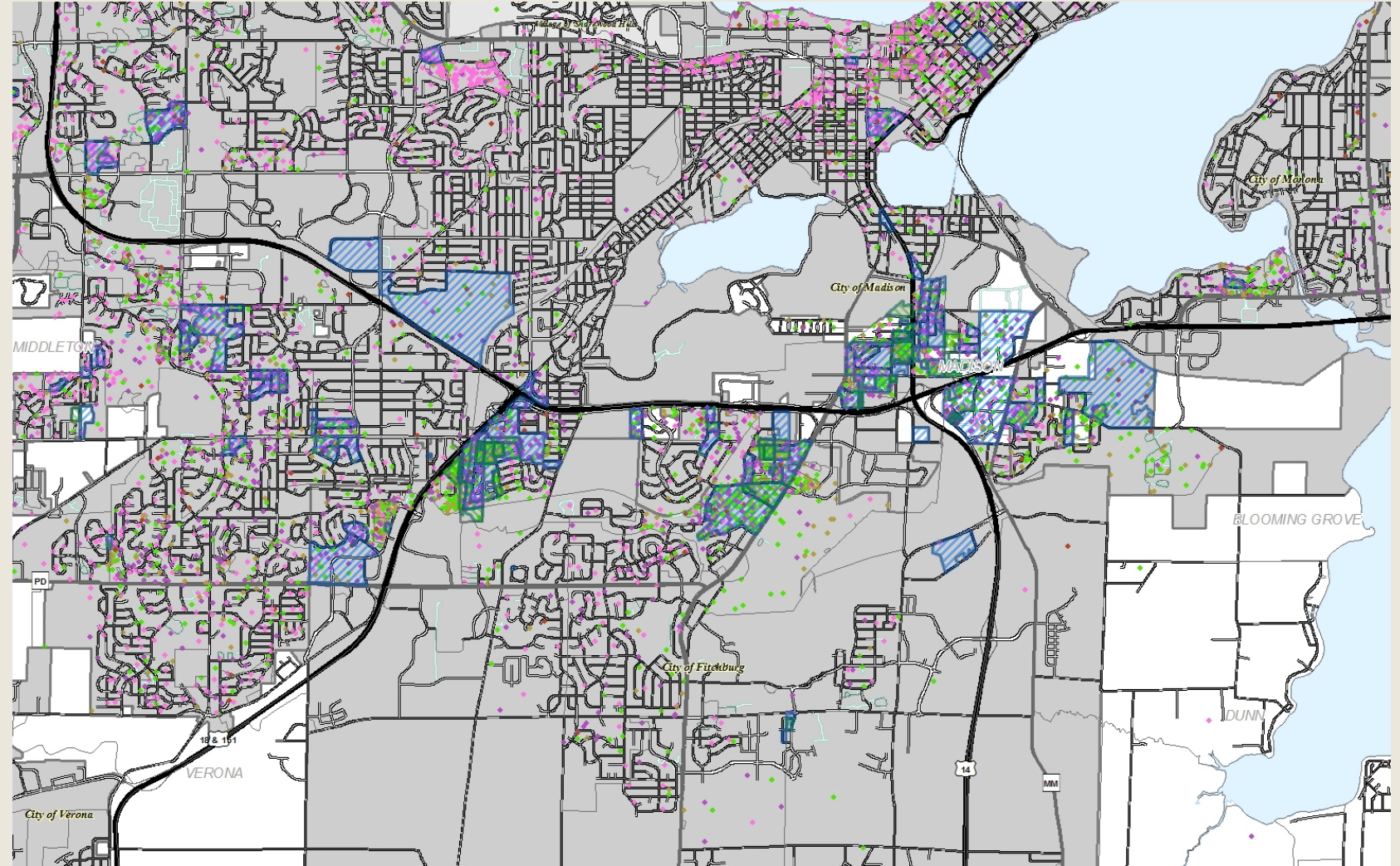
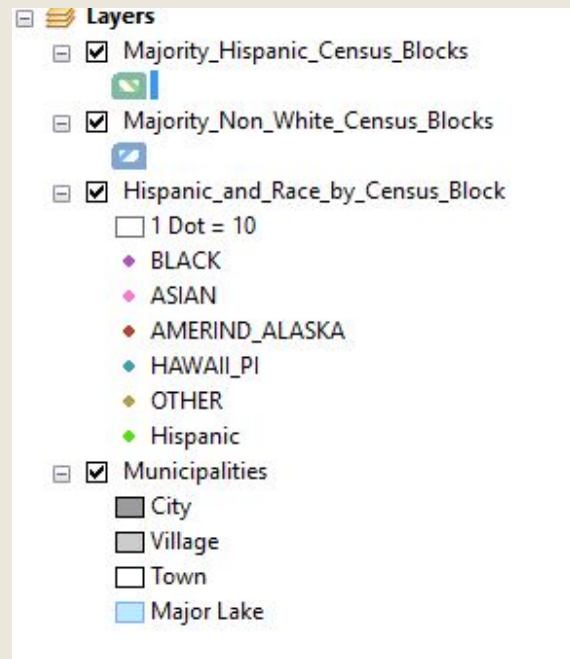
Must be considered alongside other factors¹

- (1) Race may be considered along with other traditional factors;
- (2) Race may not be considered to the detriment of traditional redistricting principles;
- (3) Bizarrely shaped districts are not unconstitutional per se but may be evidence that race was the predominant consideration in redistricting;
- (4) If race is the predominant consideration in redistricting, it may be constitutional if it is “narrowly tailored” to address a compelling government interest,
 - i.e., the redistricting will use race no more than as necessary to address the compelling government interest

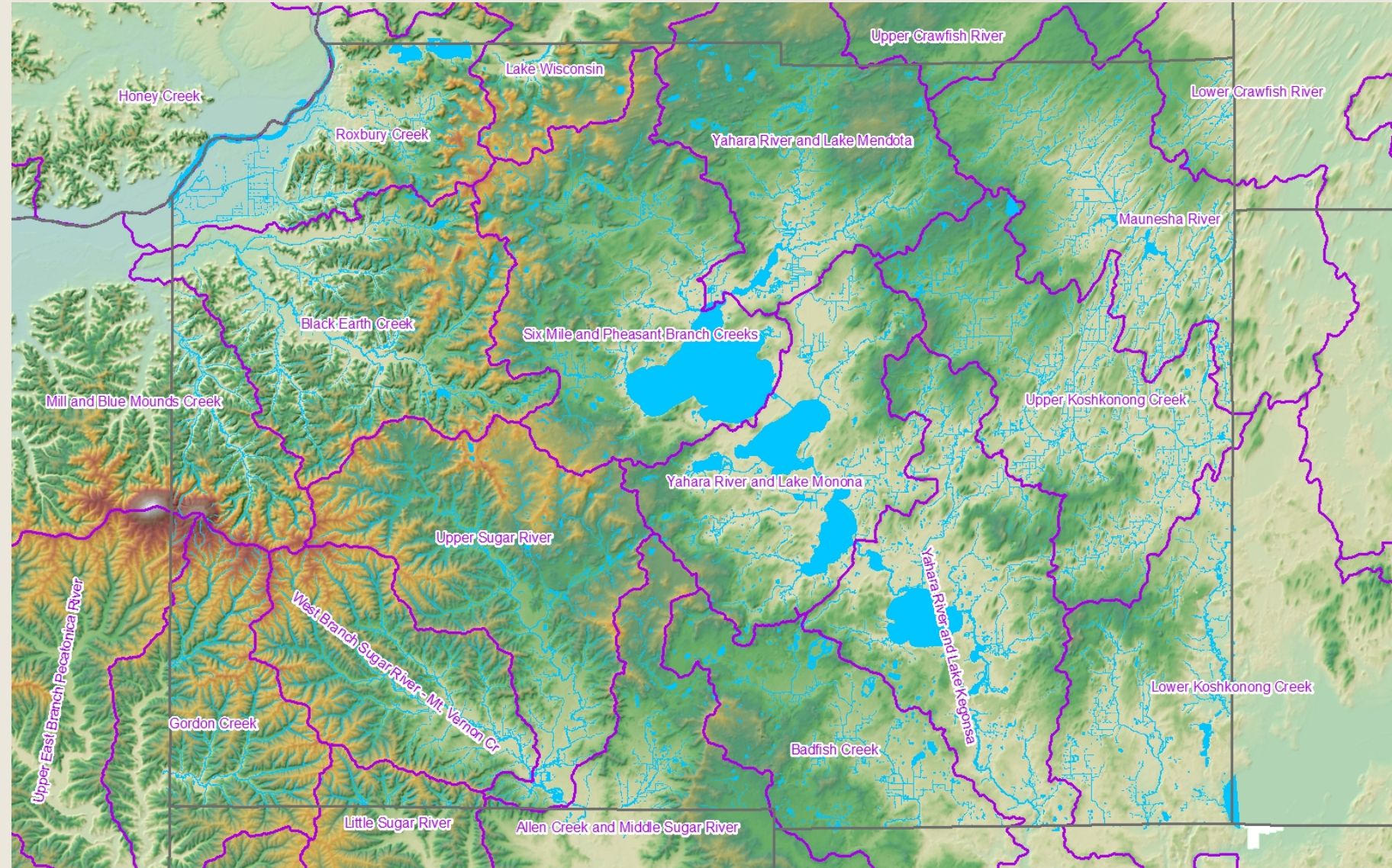
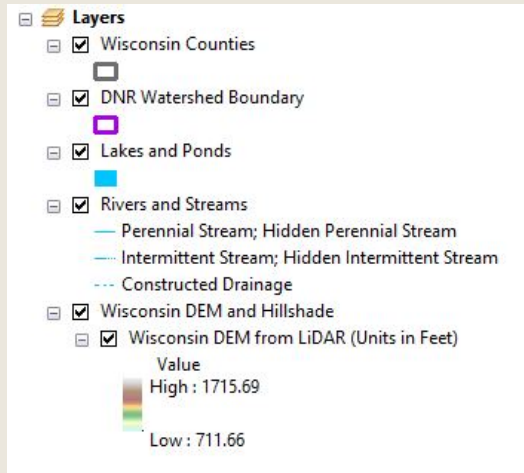
¹ US Supreme Court: *Shaw v. Reno*, 509 U.S. S. Ct. 630 (1993)

Racial & Ethnic Minorities

Dane County Race & Ethnicity 2010
South Madison / Town of Madison / North Fitchburg

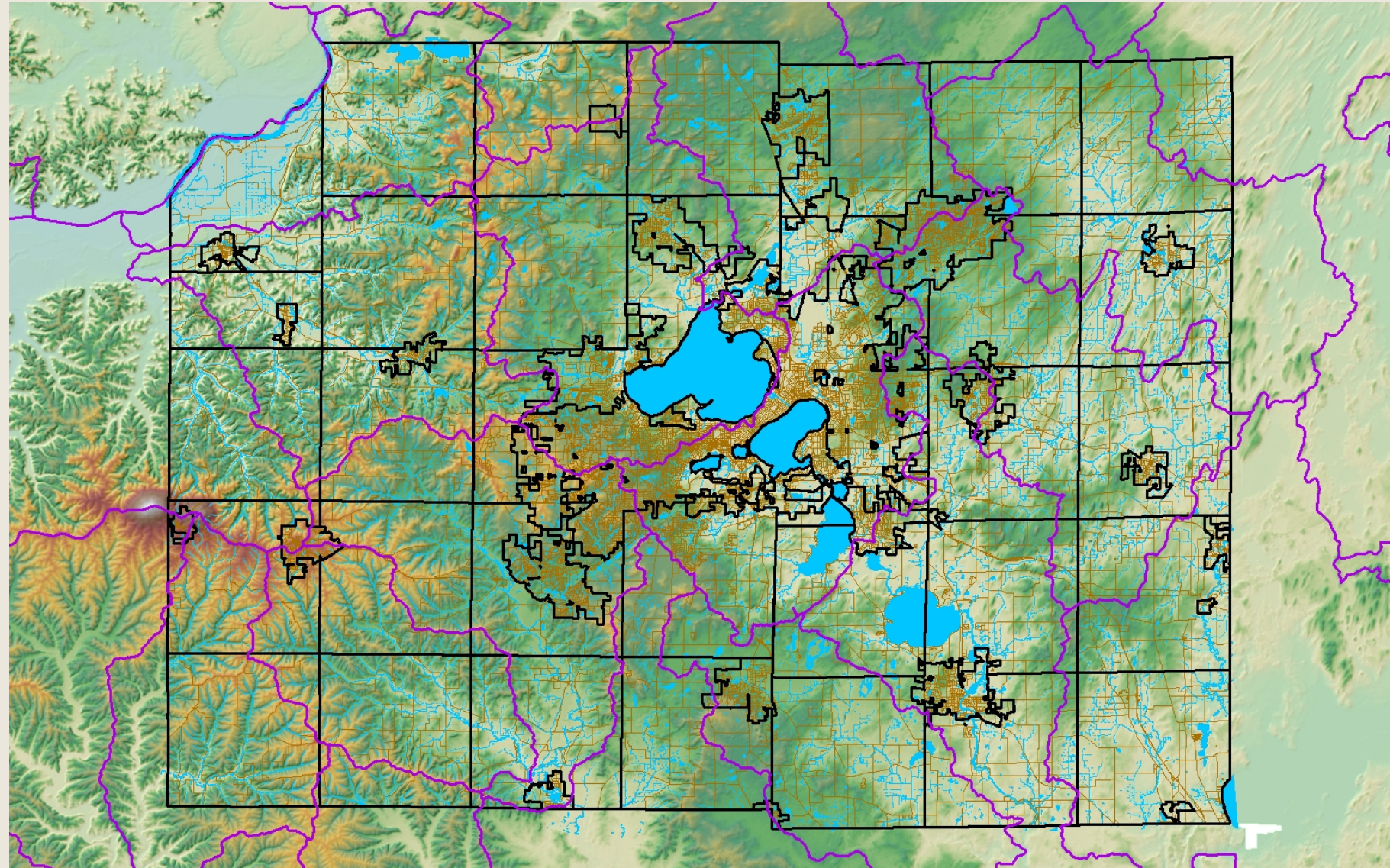
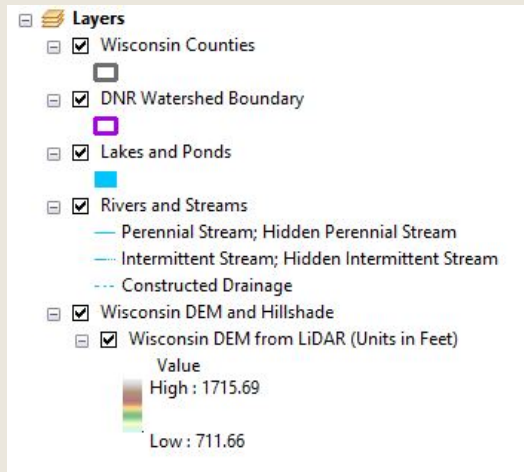


4. Natural Geography



Source: Wisconsin DNR

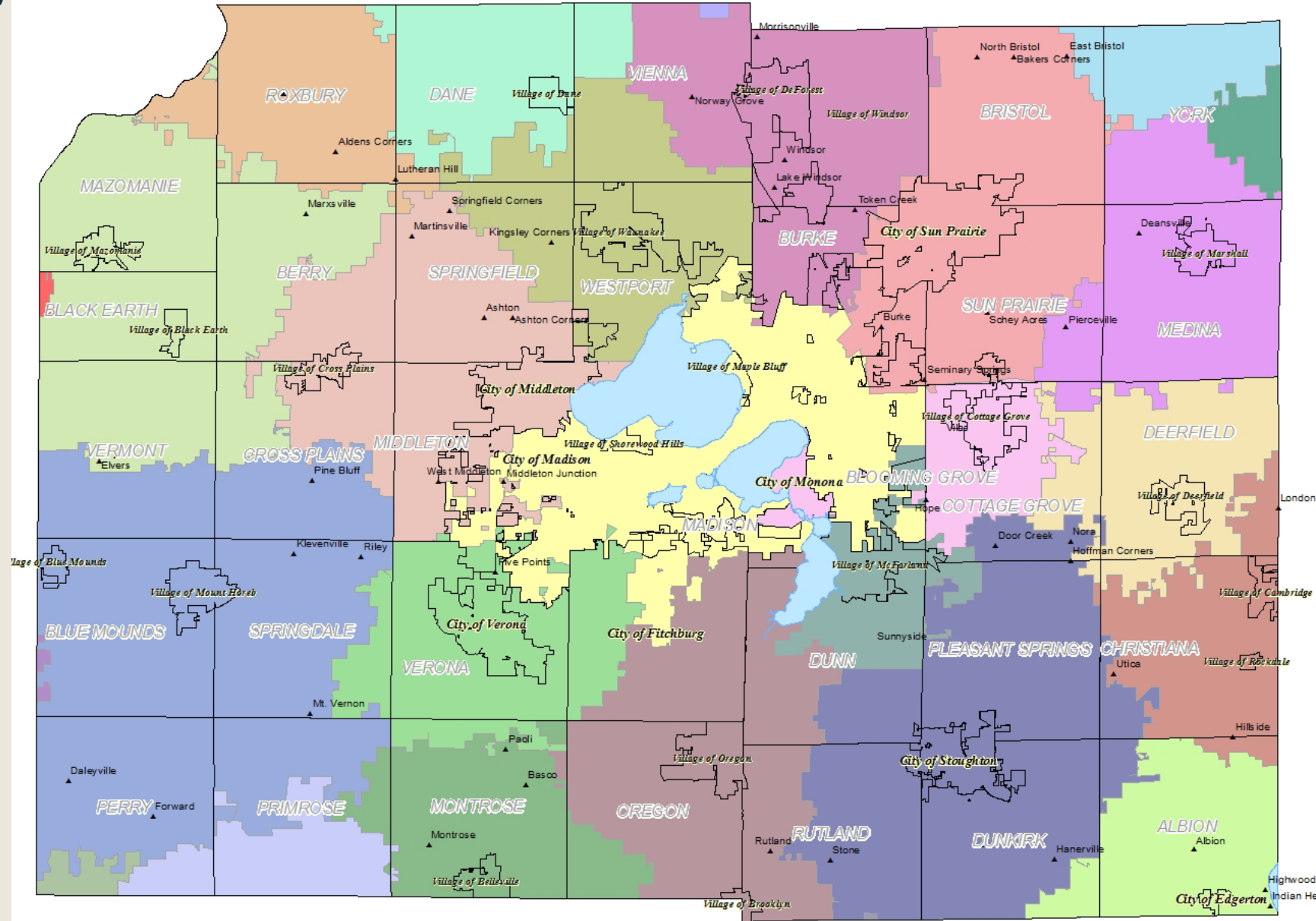
Natural Geography



Source: Wisconsin DNR

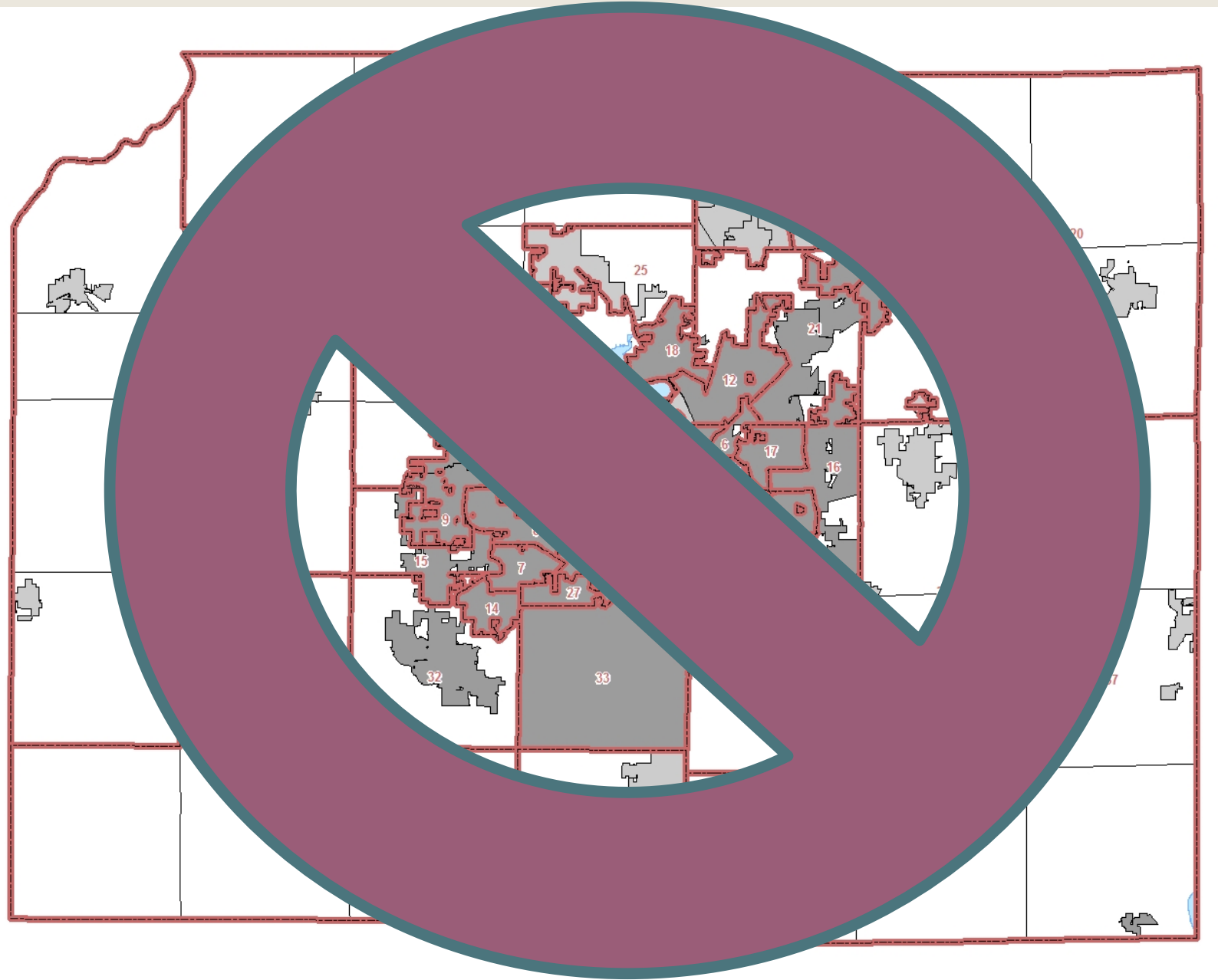
5. Communities of Interest

- School Districts
- Barneveld School District
 - Belleville School District
 - Cambridge School District
 - Columbus School District
 - DeForest Area School District
 - Deerfield Community School District
 - Edgerton School District
 - Evansville Community School District
 - Lodi School District
 - Madison Metropolitan School District
 - Marshall School District
 - McFarland School District
 - Middleton-Cross Plains Area School District
 - Monona Grove School District
 - Mount Horeb Area School District
 - New Glarus School District
 - Oregon School District
 - Pecatonica Area School District
 - Poynette School District
 - River Valley School District
 - Sauk Prairie School District
 - Stoughton Area School District
 - Sun Prairie School District
 - Verona Area School District
 - Waterloo School District
 - Waunakee Community School District
 - Wisconsin Heights School District



Source: Dane County LIO

6. Incumbency



Best Practices for Redistricting (Wisconsin Counties Association)¹

1. STEP ONE: Determine the Board Size and Appoint a Redistricting Committee
2. STEP TWO: Establish Guidelines for Redistricting
3. STEP THREE: Develop a Tentative Plan
 - a. Use whole, contiguous municipalities or wards (if possible)
 - b. If division is necessary, start with communities > 1,000 pop.
 - c. Request necessary division from municipality, do not set ward lines
 - d. Work carefully with communities that have their own council or board districts
 - e. Shoot for 0% deviation from ideal district size, unless necessary to meet Voting Rights Act
 - f. Amend tentative plan after public hearing
4. STEP FOUR: Municipalities Create Wards
5. STEP FIVE: Finalize and Adopt the Redistricting Plan
6. STEP SIX: Use New Plan for Elections after November 21, 2021

¹[Wisconsin Counties Association Decennial Redistricting Handbook, 2021 Redistricting Cycle](#)