

(ATTACHMENT 1) Preliminary Report Related to the Development of an Election-district Apportionment Plan for the Election of Members of the Milwaukee Board of School Directors, Pursuant to Wisconsin Statutes, §119.08(1)

Background

1. The Wisconsin Statutes specify the constitution of school board districts as follows: 119.08 Election of board members. (1)(a) The board shall consist of one member elected at-large and 8 members elected from numbered election districts determined by the board. The election districts shall be substantially equal in population and the boundaries of the election districts shall be drawn so as to reflect a balanced representation of citizens in all areas of the city.

(b) Within 60 days after the common council of the city enacts an ordinance determining the boundaries of the aldermanic districts in the city following the federal decennial census under s. 62.08(1), the board shall, by vote of a majority of the membership of the board, adopt an election district apportionment plan for the election of board members which shall be effective until the city enacts a new ordinance under s. 62.08(1) redetermining the aldermanic district boundaries.

2. The Common Council is set to act on aldermanic redistricting within the next month which starts the Board's 60-day timeline to act on a plan for redistricting.

3. Consistent with the process from 2011, the Office of Board Governance has been in constant communication with the City Clerk's Office regarding the development of the Board's redistricting process. Representatives from the City's Clerk's Office and the City's Legislative Reference Bureau, who develops the City's redistricting process and plans for the election wards and the aldermanic districts, has extended the offer to again, TO provide the District with demographic data, mapping, and technical assistance for the development of the Board's redistricting plan.

Analysis

4. State Statute 62.08(1), dealing with aldermanic districts, requires that aldermanic districts be "as compact in area as possible and contain, as nearly as practicable by combining contiguous whole wards, an equal number of inhabitants according to the most recent decennial federal census of population." Similar requirements apply to the Board.

5. Informational data, including a table listing the population by School Board district, will be developed and provided to the Board to assist in the planning process.

6. Since 1991, various court decisions have affected the criteria that elected bodies may use in reapportionment. An opinion from Hogan and Hartson discussing the April 19, 2001, U.S. Supreme Court decision in the North Carolina redistricting case states:

The court reiterated its prior holdings that race may be a consideration in electoral redistricting, but not the "dominant and controlling" one. The High Court's recent decisions in this area have struck down a number of election districts where the jurisdiction in question relied too heavily upon race, but the court has left unclear the extent to which race could be permissibly be considered.

7. The opinion concludes with a summary of the issues facing the Board:

While the Court's decision in Hunt thus gives some additional guidance to school districts facing redistricting issues, such school districts, like other electoral bodies, face the daunting task of reconciling the protection of minority voting rights based on race under the Voting Rights Act with the limitations on redistricting based on race created by the Supreme Court in Hunt's predecessor Shaw v. Reno.

8. Therefore, when the Board redistricted in 2001, it established the guideline of increasing opportunities for voter participation by having election districts that reflect the existing neighborhoods and communities of interest. These guidelines were also used in the 2011 process.

9. During the previous process, the Office of Board Governance requested an opinion from the City Attorney's office regarding the criteria that the Board may establish for redrawing the districts. A copy of that opinion will be provided to Board members as a part of the information used in the redistricting planning process.

Statute, Administrative Policy, or Board Rules Statement

10. The proposed redistricting plan is being developed pursuant to Wisconsin Statutes, § 119.08(1)(a) — which states, in part, “The election districts shall be substantially equal in population and the boundaries of the election districts shall be drawn so as to reflect a balanced representation of citizens in all areas of the city.” — and Wisconsin Statutes, § 119.08(1)(b), which directs, “Within 60 days after the common council of the city enacts an ordinance determining the boundaries of the aldermanic districts in the city following the federal decennial census under s. 62.08(1), the board shall, by vote of a majority of the membership of the board, adopt an election district apportionment plan for the election of board members which shall be effective until the city enacts a new ordinance under s. 62.08(1).”

Fiscal Impact Statement

11. Any cost associated with the redistricting process and plan development will be charged to the contingency budget.

Implementation Plan

The Office of Board Governance will:

- present the Board with a timeline for implementation that adheres to state statute.
- secure the services of the Milwaukee City Clerk's Office to assist district staff to develop a plan for Board election districts;
- Provide the Board with at least one plan no later than the regular January 2022 Board meeting (after the Common Council adopts aldermanic districts)

The plan established for developing Board election districts would, at a minimum, increase opportunities for voter participation by having election districts that reflect the existing neighborhoods and communities of interest;

A public hearing will be held as a part of the plan development process and after the plan has been prepared.

The Office of Board Governance will work with the Chair of the Committee on Legislation, Rules, and Policies to ensure that all Board members return their input in a timely manner