

(Item 1) Report with Possible Action 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

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.

The Milwaukee Common Council adopted aldermanic maps on January 18, 2022, which began the Board's 60-day timeline to act on a plan for redistricting.

Consistent with the process established with the last redistricting, which took place in 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, which develops the City's redistricting process and plans for the election wards and the aldermanic districts, have extended the offer to provide the District again with demographic data, mapping, and technical assistance for the development of the Board's redistricting plan.

Analysis

Wisconsin Statutes, §62.08(1), which deals 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's districts. Data, including a table listing the population by the Board's districts, will be developed and provided to the Board to assist in the planning process.

Since 1991, various court decisions have affected the criteria that elected bodies may use in reapportionment. An opinion from Hogan and Hartson discussing the U.S. Supreme Court's April 19, 2001, 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.

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*.

When the Board redistricted in 2001, it established guidelines for 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 redistricting process.

During the previous redistricting 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 its districts. A copy of that opinion will be provided to board members as a part of the information used in the redistricting planning process.

Redistricting Process Update, January 2022

The following update is being provided for informational purposes.

The City of Milwaukee's Common Council completed its aldermanic redistricting process on January 18, 2022. The Milwaukee Board of School Directors has 60 days from that date to act on and to complete a plan for redistricting. The schedule below is being presented for the Board's consideration.

The process for the Milwaukee Board of School Directors to complete its reapportionment and redistricting includes two public hearings inclusive of a presentation from the City of Milwaukee's Legislative Reference Bureau of proposed maps for redistricting, meetings between board members and the Legislative Reference Bureau regarding individual districts' maps, and publication of newly-proposed district maps before final adoption.

Proposed Reapportionment/Redistricting Schedule

At this time, the Office of Board Governance is presenting the Board with the following proposed timeline, which adheres to state statutes:

January 25, 2022	<i>Milwaukee Board of School Directors:</i> <ul style="list-style-type: none">• Consideration of the reapportionment/redistricting schedule and process• Public hearing and consideration of reapportionment/redistricting item• Presentation of proposed MPS district maps by Legislative Reference Bureau
January 31-February 4, 2022	Milwaukee Board of School Directors and Legislative Reference Bureau meet on individual board-district maps
February 11, 2022	<i>Board Clerk:</i> Publication of proposed reapportionment/redistricting plan
February 22, 2022	<i>Milwaukee Board of School Directors:</i> Public hearing and consideration of proposed reapportionment/redistricting plan and maps
February 24, 2022	<i>Milwaukee Board of School Directors:</i> Possible adoption of the Board's reapportionment/redistricting plan and maps

Statute, Administrative Policy, or Board Rule Implication Statement

The proposed redistricting plan will be 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

Any costs associated with the redistricting process and the plan's development will be charged to the contingency budget.

Implementation and Assessment Plan

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

Now that the City has adopted its aldermanic districts, the Board will be provided with at least one plan for developing the Board's election districts no later than the Board's regular meeting of February 2022. The Office of Board Governance will secure the services of the Milwaukee City Clerk's Office to assist district staff in developing a plan for apportioning the Board's election districts.

Public hearings will be held both while the apportionment plan is being developed and after the plan has been prepared.

The Office of Board Governance will work with the Board's president to ensure that all board members return their input in a timely manner and to schedule public meetings regarding redistricting.