

**MINUTES  
REDISTRICTING OVERSIGHT COMMITTEE  
WEDNESDAY, AUGUST 4, 2021**

**Members Present:** J. Nooyen, C. Spears, C. Fallona, D. VanderHeiden, D. Culbertson, D. Gabrielson

**Members Excused:** K. Suprise

Chair Nooyen called the teleconference meeting to order at 11:00 a.m.

**PUBLIC PARTICIPATION PERTAINING TO AGENDA ITEMS FOR A PERIOD OF 15 MINUTES (limit 3 minutes per speaker)-None**

County Board Chair Nooyen prefaced the meeting to discuss the sensitivity of local redistricting this year due to the pandemic delaying the 2020 census data. Chair Nooyen pointed out there is a tight timeline compared to ten years ago, typically a process of ten months will be compressed into ten weeks and for that reason, meetings could be scheduled with short notice.

**ELECT COMMITTEE OFFICERS**

Supervisor D. Gabrielson nominated Supervisor C. Spears as Committee Chair.

Supervisor D. Culbertson nominated Supervisor C. Fallona as Committee Vice Chair.

**MOTION: SUPERVISOR D. GABRIELSON/C. FALLONA MOVED TO APPOINT SUPERVISOR C. SPEARS AS COMMITTEE CHAIR AND SUPERVISOR D. CULBERTSON/C. SPEARS MOVED TO APPOINT SUPERVISOR C. FALLONA AS COMMITTEE VICE CHAIR. VOTE: AYES; UNANIMOUS. MOTION CARRIED.**

**UPDATE ON 2020 CENSUS-DELAYS AND EFFECT ON REDISTRICTING**

Development and Land Services Director Kara Homan introduced the administrative redistricting team: GIS Coordinator/Land Information Officer Brad Bastian, Deputy Corporation Counsel Kyle Sargent, Corporation Counsel Joe Guidote, and County Clerk Jeff King along with three other GIS staff to be able to deploy all possible resources. Homan is the Project Manager and Bastian will handle the technical components. Homan reviewed the normal process of redistricting, pointing out the decennial census has been delivered on time per federal code since the Civil War which was the last time it was delayed. Homan reported they have not received the census data and counties are not anticipated to receive the data until August 23<sup>rd</sup>-September 1<sup>st</sup>. In a typical year, they would have received it no later than April 1<sup>st</sup> which would have kicked off the 60-60-60 redistricting process. Homan pointed out that their original preparations started with the traditional deadlines in mind until March/April 2021 when the Census Bureau notified the state/localities that the data would not be available by the typical April 1<sup>st</sup> deadline. Homan pointed out the critical deadlines will come later in November in order to ensure the local legislative maps are complete and in effect for the spring elections. In order to meet those critical deadlines, mitigate legal risks and have new maps that reflect the latest population count, there will need to be a compressed timeline. Deputy Corporation Counsel Kyle Sargent reported the focus will be on the general requirements taken from the federal constitution along with some of the cases involving the one person, one vote ideal. The timelines are statutory requirements and it is currently impossible to comply with the July 1<sup>st</sup> deadline rendering the statute as unconstitutional since compliance is unattainable. Sargent recommended to be diligent in staying within the proposed compressed timeline to help avoid any challenges on the back end. Alternatively, if previous census data is applied and maps are not completed in time, it would open the legal risk to challenges that the election was not done appropriately based upon the districts not being composed properly to reflect the current census data.

Homan expounded on coordinated efforts being made with the surrounding counties of Waupaca County, Outagamie County, Winnebago County and Calumet County. Three of those counties share the City of Appleton and will be critical to remain as close as possible to the same schedule due to the municipal process that is wedged in the middle and their need to have their ward processed within those timelines. Homan reported all three counties; Outagamie, Winnebago and Calumet are moving forward with the compressed schedules. Chair Nooyen indicated Outagamie County is not alone in this situation, all counties throughout the state are dealing with the same. Chair Nooyen discussed the WCA leadership meetings addressing the same topic that included Attorney Andy Phillips'

recommendations of compressed timelines, therefore, Nooyen indicated that Outagamie County is on solid ground by moving forward using a compressed redistricting timeline.

## **TENTATIVE OUTAGAMIE COUNTY REDISTRICTING SCHEDULE**

Homan introduced the critical phases of redistricting:

- 1) **Phase 1: Public Informational Meetings**-education session inviting feedback from the public.
  - a) August 17, 2021, at 12:00 p.m. and 6:00 p.m.
  - b) August 23, 2021, P.L. Data transmitted to counties
  - c) August 20-23, 2021, Outagamie County publish Public Hearing Notices to adopt the tentative Supervisory
  - d) Assuming the data is received, County begins drafting tentative plan giving at most, ten business days to devise on one or two plans.
  - e) A Redistricting Oversight Committee meeting will be scheduled to review the proposed plans and to make final map selection recommendations. If the data is not received in that timeframe, the drafting stage will have to be even tighter to meet the appropriate deadlines.
  - f) The Redistricting Oversight Committee recommendations will be presented to the Legislative/Audit and Human Resources Committee and to the County Board.
  - g) September 14, 2021, Public Hearing on the tentative Supervisory Redistricting Plan at the County Board meeting.
  - h) Transmit adopted plans to the municipalities for review.
- 2) **Phase 2: Ward Planning Process**
  - a) Outagamie County has been coordinating with the municipalities to offer mapping as courtesy to municipalities since many are not typically equipped with staff and time to perform the mapping, particularly with a compressed timeline.
  - b) September 15, 2021-October 25, 2021 Adjust ward boundaries and transmit ward plan back to the county
  - c) October 25, 2021, Ward Plan deadline date (Wis. Stat. §5.15(1)(b))
  - d) County review ward plans and make adjustments to County Supervisory Plan.
  - e) November 9, 2021, Second Public Hearing at County Board meeting and adopt final plan
  - f) November 23, 2021, Deadline for County and Municipal Clerks to publish Type A Notice for the 2022 Spring Elections.

Homan reported that all deadlines are currently aligned approximately with Winnebago County and Calumet County. Homan is expecting overlap and pre-drafting of tentative changes based on the ward plans and that Bastian's team will have very little time to get all the data rectified between the Supervisory District Plans and the Ward Plans so they do not overlap and will fit together like building blocks. Homan pointed out there is very little flexibility, however, they have built in an allowable margin for deadlines to be delayed by one week, however, that option would require a special County Board meeting to approve the plan. The hard deadline to adopt the tentative Supervisory District Plan is September 21, 2021.

Supervisor VanderHeiden pointed out concerns that many town boards only meet once a month to approve the plans and suggested that coordinated efforts can help to facilitate plans for any special meetings that will be needed due to the tight timelines. Homan pointed out that workshops have begun to assist municipalities to prepare their timelines and prepare for special meetings.

Supervisor Culbertson indicated that in his experience, there was typically four to six proposals that became political and very complicated, he expressed concerns with proposing only one or possibly two plans. Homan indicated the goal is aiming for two map options. If the data is not received until September 1<sup>st</sup>, Homan reported it will be very difficult to even draft two plans. Culbertson stressed the importance of communicating an understanding of the compressed timeline will be essential and emphasized creating a minimum of at least two plans. Homan assured the aim is to have two plans and pointed out that there are other counties planning for only one. Homan reported that historically there would have been three sets of maps knowing there will be thirty-six districts but due to circumstances that the pandemic has created, two would be a success. Supervisor Culbertson stressed a goal of more than one option would be easier for the County Board to accept as a fair process.

MOTION: SUPERVISOR J. NOOYEN/C. FALLONA MOVED TO APPROVE THE TENTATIVE OUTAGAMIE COUNTY REDISTRICTING SCHEDULE. VOTE: AYES; UNANIMOUS. **MOTION CARRIED.**

### **REDISTRICTING PRINCIPLES & LEGAL REQUIREMENTS**

Homan presented a PowerPoint of a basic overview of the Redistricting Principles and Legal Requirements referencing the Legislative Reference Bureau Guidebook-Redistricting in Wisconsin 2020. Items discussed included:

- 1) Federal Requirements
  - a) Equal Population
    - i) One Person, One Vote
    - ii) Equal Protection Clause – The 14<sup>th</sup> Amendment of the US Constitution
  - b) Minority Protection
    - i) Racial Gerrymandering (14<sup>th</sup> amendment)-no “packing”, placing disproportionately large population of a minority group in a single district; nor “cracking”, or thinning out the minority group’s members among a number of districts.
    - ii) Voting Rights Act of 1965-redistricting that results in minority “vote dilution” can be legally challenged (US Supreme Ct. *Thornburg v Gingles* principles).

Sargent indicated that due to the circumstances, the statutory timeline is unreasonable, however, if the focus remained on the Federal Requirements, it is possible to avoid any constitutional challenges. As long as sections are not carved out of an area of protected class individuals and the guidelines are followed, there will be no reason for any legal challenges. Sargent reported if you are contiguous with the districts and appropriately compacted, there will not be an issue.

Homan reviewed Equal Population; consisting of ideal population, absolute deviation, relative deviation and overall range. Homan pointed out that among all the different designs and redistricting principles that they will need to meet, it is impossible to have the exact same number of people in every supervisory district, however, the goal is to be as close to exact as possible, within 3% or less. Homan reviewed the four Traditional Redistricting Principles:

#### **Four Traditional Redistricting Principles**

- 1) Compactness-as close to squares as possible rather than strings and balloon shapes.
- 2) Contiguity-all areas in a district should be physically adjacent and completely contained within the boundaries of that geographic area. Islands are allowed only in certain situations.
- 3) Preservation of Communities of Interest-respect communities of interest and their redistricting plan by attempting to group like-minded or similar people so that they may elect a representative of their choice who reflects their common values relevant to legislative representation.
- 4) Preservation of the Unity of Political Subdivisions-doing the very best to keep cities, villages and towns together while balancing all the other redistricting principles and federal laws. Homan pointed out that it is not always possible to keep political subdivisions together but is something to strive towards to ensure political subdivisions can elect a representative that represents their interests.

Supervisor VanderHeiden raised concerns regarding the implications that accompany the overlapping of some of the supervisor districts with the school districts. VanderHeiden has experienced overlap that resulted in a school district population of ten people and another one of twenty people. By eliminating those two districts, there could be two ballot styles eliminated. Supervisor VanderHeiden requested special attention to the school districts as they relate to the redistricting process.

### **DISCUSS COMMUNICATION PROTOCOL BETWEEN COMMITTEE & ADMINISTRATIVE STAFF**

Homan indicated she would like to prepare for clear communication channels. Homan will be the primary liaison for the committee. Team members will funnel questions for the committee through Homan. Chair Spears will be the primary contact for Homan. If Homan should get inquiries from committee members, those questions will be redirected to Chair Spears. In past cycles, it has been the goal to have no political interference with the team

members writing the maps. Once the maps are complete, it will be presented to the committee with full transparency that will require trust in the process. Chair Nooyen reviewed the communication expectations and will provide the same information in the comments at the August 10<sup>th</sup> County Board meeting. Chair Spears stated she is non-partisan and will remain as non-political as possible for the duration of the redistricting process. Supervisor Culbertson stated he is in favor of the communication protocols and plan moving forward.

#### **AROUND THE TABLE**

Chair Spears thanked Chair Nooyen for forming a proficient and competent committee and also thanked staff for their hard work in preparing a successful communication approach and timeline including the coordinated efforts with other cities, townships and municipalities. Chair Nooyen thanked Supervisor Spears and Supervisor Fallon for taking the leadership roles and pointed out that Supervisor Culbertson, Supervisor VanderHeiden and Chair Spears have had past experience with redistricting and will be an advantage throughout each phase. The Special Order of Business for August 10<sup>th</sup> was discussed.

County Clerk Jeff King clarified the hard deadline is November 23, 2021, for County and Municipal Clerks to publish Type A Notice for the 2022 Spring Elections. King does not anticipate being able to prepare individual supervisor election paperwork in advance as in the past due to the compressed timeline.

#### **FUTURE AGENDA ITEMS/NEXT MEETING**

##### **ADJOURNMENT**

MOTION: SUPERVISOR J. NOOYEN/D. CULBERTSON MOVED TO ADJOURN AT 11:52 AM UNTIL AUGUST 19, 2021. VOTE: AYES; UNANIMOUS. **MOTION CARRIED.**

Respectfully submitted,

*Shelly Tyson*

Shelly Tyson, Legislative Services  
August 4, 2021