

Freedom Matters

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"One Person, One Vote"

by Bob Bowman

Back in the middle of the 1900s, a time some of us personally remember, the Dane County Board was mainly made up of the heads of each of the cities, villages and towns of the county. That was when all the towns in the county agreed to come under county zoning. County zoning only covers towns, not cities and villages, but that was fair because towns and allied small villages controlled the county board, so it was democratically reasonable for zoning. What was unfair was having a system which tapped the urban tax base for a large part of the revenues to pay for rural zoning.

Then the Wisconsin Supreme Court decreed that such a system violated the "one person-one vote" rule and compelled that each county board supervisor must represent a geographic district with the same number of residents as each other district. What more could be fairer, right? No. It was still unfair.

It was unfair as to tax base, and now the court had added unfairness as to the source of political control. Urban residents get to vote for both urban government and county government, and urban areas by their population thus dominate county government. But county government, as noted, is predominantly government over the non-urban areas. County government is mostly land use control, in this modern era. Thus, by the mantra of "one person, one vote," the court changed an approximately democratic control over land use into **colonial rule** over land use. Urbanites ruled towns.

Hence, for courts to be consistent in "one person, one vote," they must hold the state statutes unconstitutional for creating a system of unequal representation in county zoning such that urban populations determine laws for the rural population. There is a simple way to rectify this. Statutes on county planning and zoning could be amended so that on land use, each county supervisor has a vote equal to the percentage of

the rural residents of the county which they represent. This percentage as determined when elected would hold thus for the two-year term. In a county with a county executive, the zoning veto would be overridden by a total vote of 67%, out of the 100% votes constituting all of the rural population.

At the same time, county planning and zoning should be entirely funded by the rural population of the county, from taxes collected from each town according to the percentage of the county rural population in that town. These funds would be segregated for exclusive use in rural planning and zoning.

To be fairest, each supervisor should have either an all-urban or an all-rural district, because life styles and civic interests of rural and urban areas are so different. Small urban municipalities can be combined as desired to get enough population for a district. County population divided by the number of supervisors would define the standard size district, and each supervisor would cast a vote equal to the population of their district divided by the standard. Village or rural districts could be as small as needed, to get fair representation, and supervisors representing above standard size districts would have votes accordingly above 1.00.

An alternative is to amend state statutes to allow towns to form a "land use district," akin to a school district. This district would elect a land use board with legislative authority to adopt a zoning ordinance and to levy necessary taxes and fees to operate the rural planning and zoning functions. I suggest that a county executive would only have a veto on such legislation if that executive was elected with a majority of the rural votes that were cast, whereupon a 2/3 vote of the zoning board would be needed to override.

Alternatively, amend state statutes to provide just compensation if regulation results in a taking of identifiable property rights in the bundle of rights represented by land ownership. It's long overdue.

Or, does anyone have better ideas?

Property rights web sites: < <http://www.fairnessinlaw.org/> >
< <http://www.takebackwisconsin.com/> >
<<http://www.PropertyRightsResearch.org>>

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