

DUE: Wed 1-10 A.M.

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# ENGROSSED 1999 ASSEMBLY BILL 105

March 23, 1999 - Printed by direction of SENATE CHIEF CLERK.

LPS: Proof all amended  
Stats. w/FOLIO.

(regenerate)

1 AN ACT *to amend* 7.15 (2) (d), 8.05 (3) (d) and (e), 8.06, 9.20 (4), 24.66 (3) (b), 24.66  
 2 (4), 32.72 (1), 59.08 (7) (b), 60.62 (2), 60.74 (5) (b), 61.187 (1), 61.46 (1), 62.09 (1)  
 3 (a), 64.03 (1), 64.39 (3), 66.01 (8), 66.059 (2m) (b), 66.061 (1) (c), 66.075 (5),  
 4 66.504 (2), 66.521 (10) (d), 66.77 (3) (a) 1., 66.94 (4), 67.05 (4) and (5), 67.05 (6a)  
 5 (a) 2. a., 67.05 (6m) (b), 67.10 (5) (b), 67.12 (12) (e) 5, 81.01 (3) (b), 86.21 (2) (a),  
 6 117.20, 119.48 (4) (b) and (c), 119.49 (1) (b) and (2), 121.91 (3) (a), 197.04 (1) (b)  
 7 and (2), 197.10 (2) and 198.19 (1); and *to create* 8.065 and 15.615 of the  
 8 statutes; **relating to**: scheduling of referenda by local governments.

## Analysis by the Legislative Reference Bureau

### Engrossment information:

The text of Engrossed 1999 Assembly Bill 105 consists of the bill, as passed by the assembly on March 16, 1999, as affected by the following documents adopted in the assembly on March 2, 1999: Assembly Amendments 1, 4, 5, 6 (part 2, item 3. only) and 9.

### Content of Engrossed 1999 Assembly Bill 105:

Under current law, referenda are authorized or required to be held by local governments under various laws for various purposes. In some cases, these

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referenda are authorized or required to be held at special elections when no offices appear on the ballot. In most cases, there is no limitation upon the frequency that questions relating to the same subject matter may be submitted.

This bill provides that, unless a more restrictive limitation applies currently, a referendum by a local government may only be held concurrently with the spring primary (held in most election districts in each year), the spring election (held in each year), or on the 2nd Tuesday in September or the first Tuesday after the first Monday in November of an odd-numbered year (no election is currently held on those dates), the September primary (held in each even-numbered year) or general election (held in each even-numbered year). However, the bill creates a state referendum appeal board consisting of four members appointed by the elections board, including one individual designated by each of the following: the senate majority leader, the senate minority leader, the speaker of the assembly and the assembly minority leader. The board is empowered to permit a local government to hold a referendum on a date that is not otherwise permitted if the board finds, with the concurrence of at least three members, that an emergency exists which requires the referendum to be held on a date that is not otherwise permitted.

The bill applies to all referenda, including referenda concerning direct legislation (initiative) in cities and villages.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 7.15 (2) (d) of the statutes is amended to read:

2           7.15 (2) (d) Whenever the governing body of any municipality submits any  
3 question to a vote of the electors or whenever a proper recall petition and certificate  
4 are filed under s. 9.10, the municipal clerk shall issue a call for the election and  
5 prepare and distribute ballots as required in the authorization of submission or as  
6 provided in s. 9.10. The date of the referendum shall be established in accordance  
7 with s. 8.065, and shall be fixed by the municipal clerk or board of election  
8 commissioners unless otherwise provided by law or unless the governing body fixes  
9 a date. The ballot for any referendum shall conform to s. 5.64 (2). If there is already  
10 an official municipal referendum ballot for the election, the question may appear on  
11 the same ballot.

12           **SECTION 2.** 8.05 (3) (d) and (e) of the statutes are amended to read:

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1           8.05 (3) (d) The question of adoption of the nonpartisan primary under this  
 2 subsection may be submitted to the electors at any regular election <sup>\*</sup>authorized under  
 3 s. 8.065 held in the town ~~or at a special election called for the purpose.~~ When a  
 4 petition <sup>requesting adoption of the nonpartisan primary</sup> conforming to the requirements of s. 8.40 signed by at least 20 electors of the  
 5 town is filed with the town clerk <sup>as provided in s. 8.37</sup> ~~so requesting~~ the question shall be submitted to a  
 6 vote.

7           (e) Petitions requesting a vote on the question at a regular town election shall  
 8 <sup>in accordance with s. 8.37</sup> be filed ~~no~~ later than 5 p.m. the last Tuesday in February. When the petition is filed,  
 9 the clerk shall check its sufficiency. ~~Whether at a regular or special election, the~~ The  
 10 clerk shall give separate notice by one publication in a newspaper at least 5 days  
 11 before the election.

SECTION 3. 8.06 of the statutes is amended to read:

13           **8.06 Special elections may be called.** Towns, cities, villages and school  
 14 districts may call special elections for any purpose whenever such action is  
 15 authorized or required by law. If an election is called for a special referendum, the  
 16 election shall be called and noticed under as provided in s. 8.55.

SECTION 4. 8.065 of the statutes is created to read:

18           **8.065 Scheduling of referenda.** (1) In this section, "local governmental  
 19 unit" has the meaning given in s. 16.97 (7).

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3-19

20           ~~(2) Unless otherwise required by law or unless authorized under sub. (3), a~~  
 21 ~~referendum held by any local governmental unit that is authorized or required by~~  
 22 ~~law to hold a referendum may only be held on the date of the spring primary, spring~~  
 23 ~~election, September primary or general election, or on the 2nd Tuesday in September~~  
 24 ~~or the Tuesday after the first Monday in November of an odd-numbered year.~~

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## SECTION 4

1 (3) If a local governmental unit wishes to hold a special referendum on a date  
2 that is not concurrent with an election specified in s. 5.02 (5), (18), (21) or (22) or on  
3 a date other than the 2nd Tuesday in September or the first Tuesday after the first  
4 Monday in November of an odd-numbered year, the local governmental unit may  
5 petition the referendum appeal board for a determination that an emergency exists  
6 with respect to a particular question. The referendum appeal board shall make a  
7 determination within 10 days after receipt of a petition under this subsection. If the  
8 referendum appeal board finds, with the concurrence of at least 3 members, that an  
9 emergency exists which requires a special referendum to be held by a local  
10 governmental unit on a date that is not concurrent with an election specified in s.  
11 5.02 (5), (18), (21) or (22) or on a date other than the 2nd Tuesday in September or  
12 the first Tuesday after the first Monday in November of an odd-numbered year, the  
13 board may permit a referendum relating to the question specified in the petition to  
14 be held on a date determined by the local governmental unit.

15 SECTION 5. 9.20 (4) of the statutes is amended to read:

16 9.20 (4) The common council or village board shall, without alteration, either  
17 pass the ordinance or resolution within 30 days following the date of the clerk's final  
18 certificate, or submit it to the electors at the next ~~spring or general~~ election  
19 authorized under s. 8.065, if the election is more than 6 weeks after the date of the  
20 council's or board's action on the petition or the expiration of the 30-day period,  
21 whichever first occurs. If there are 6 weeks or less before the election, the ordinance  
22 or resolution shall be voted on at the next election authorized under s. 8.065 (2) or  
23 an election authorized under s. 8.065 (3) thereafter. ~~The council or board by a~~  
24 ~~three-fourths vote of the members elect may order a special election for the purpose~~  
25 ~~of voting on the ordinance or resolution at any time prior to the next election, but not~~

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1 ~~more than one special election for direct legislation may be ordered in any 6-month~~  
2 ~~period.~~

3 SECTION 6. 15.615 of the statutes is created to read:

4 ~~15.615 Same; attached boards. (2) REFERENDUM APPEAL BOARD. There is~~  
5 ~~created a referendum appeal board which is attached to the elections board under~~  
6 ~~s. 15.03. The board shall consist of 4 members appointed by the elections board,~~  
7 ~~including one individual designated by each of the following: the senate majority~~  
8 ~~leader, the senate minority leader, the speaker of the assembly and the assembly~~  
9 ~~minority leader. In case of an absence or temporary vacancy, the officer designating~~  
10 ~~that member may serve as a member of the board. Members of the board shall serve~~  
11 ~~for indefinite terms.~~

12 SECTION 7. 24.66 (3) (b) of the statutes is amended to read:

13 24.66 (3) (b) *For long-term loans by unified school districts.* Every application  
14 for a loan, the required repayment of which exceeds 10 years, shall be approved and  
15 authorized for a unified school district by a majority vote of the members of the school  
16 board at a regular or special meeting of the school board. Every vote so required shall  
17 be by ayes and noes duly recorded. In addition, the application shall be approved for  
18 a unified school district by a majority vote of the electors of the school district at a  
19 ~~special election~~ referendum as provided under sub. (4).

20 SECTION 8. 24.66 (4) of the statutes is amended to read:

21 24.66 (4) POPULAR VOTE, WHEN REQUIRED. If any municipality is not empowered  
22 by law to incur indebtedness for a particular purpose without first submitting the  
23 question to its electors, the application for a state trust fund loan for that purpose  
24 must be approved and authorized by a majority vote of the electors at a ~~special~~  
25 ~~election~~ referendum called, in accordance with s. 8.065, and noticed and held in the

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SECTION 8

The question to be voted on shall be filed as provided in s. 8.37.

1

manner provided for other special elections referenda. The notice of the election referendum shall state the amount of the proposed loan and the purpose for which it will be used.

4

SECTION 9. 32.72 (1) of the statutes is amended to read:

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32.72 (1) Sections 32.50 to 32.71 do not take effect in any city until the following

6

question is submitted to the electors of the city at a special election referendum called

7

in accordance with s. 8.065 and adopted by a majority vote of the electors voting:

8

"Shall subchapter II of chapter 32, Wisconsin Statutes, be effective in the city of

9

....., thus allowing the city to acquire and condemn property for street

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widening and similar purposes, financed through assessments of benefits and

11

damages?". The question shall be filed as provided in s. 8.37.

Ans 12  
6 13 1

SECTION 10. 59.08 (7) (b) of the statutes is amended to read:

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59.08 (7) (b) The question of the consolidation of the counties shall be submitted

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to the voters at the next election authorized under s. 8.065 (2) or an election

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authorized under s. 8.065 (3) to be held on the first Tuesday in April, or the next

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regular election, or at a special election to be held on a date specified in the order

18

which shall be no sooner than 45 days after the day fixed in date of the order issued

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under par. (a), which day date shall be the same in each of the counties proposing to

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consolidate. A copy of the order shall be filed with the county clerk of each of the

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counties. If the question of consolidation is submitted at a special election, it shall

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be held not less than 42 days nor more than 60 days from the completion of the

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consolidation agreement, but not within 60 days of any spring or general election.

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SECTION 11. 60.62 (2) of the statutes is amended to read:

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60.62 (2) If the county in which the town is located has enacted a zoning

25

ordinance under s. 59.69, the exercise of the authority under sub. (1) is subject to

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1 approval by the town meeting or by a referendum vote of the electors of the town to

2 ~~be held at the time of any regular or special election in accordance with s. 8.065.~~ *The question for the referendum vote shall be filed as provided in*

3 SECTION 12. 60.74 (5) (b) of the statutes is amended to read: *s. 8.37.*

4 60.74 (5) (b) A petition conforming to the requirements of s. 8.40 signed by

5 qualified electors of the district equal to at least 20% of the vote cast for governor in

6 the district at the last gubernatorial election, requesting a change to appointment

7 of commissioners, *The petition shall be filed as provided in s. 8.37.* may be submitted to the town board, subject to sub. (5m) (a). Upon

8 receipt of the petition, the town board shall submit the question to a referendum at

9 the next ~~regular spring election or general election, or shall call a special election for~~

10 ~~that purpose~~ authorized under s. 8.065 (2) or an election authorized under s. 8.065

11 (3) to be held not sooner than 45 days after receipt of the petition. *by the town board.* The inspectors

12 shall count the votes and submit a statement of the results to the commission. The

13 commission shall canvass the results of the election and certify the results to the

14 town board which has authority to appoint commissioners.

15 SECTION 13. 61.187 (1) of the statutes is amended to read:

16 61.187 (1) PROCEDURE. Whenever a petition conforming to the requirements

17 of s. 8.40, signed by at least one-third as many electors of any village as voted for

18 village officers at the next preceding election therefor, shall be presented to the

19 village board, *and filed as provided in s. 8.37,* praying for dissolution of the village corporation, such board shall

20 submit to the electors of such village, for determination by ballot in substantially the

21 manner provided by ss. 5.64 (2) and 10.02, at *strike space* a general election or at a special election

22 called by them for that purpose the next election authorized under s. 8.065 (2) or an

23 election authorized under s. 8.065 (3) to be held not sooner than 45 days after

24 presentation of the petition, the question whether or not such village corporation

25 shall be dissolved.

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1 SECTION 14. 61.46 (1) of the statutes is amended to read:

2 61.46 (1) GENERAL; LIMITATION. The village board shall, on or before December  
 3 15 in each year, by resolution to be entered of record, determine the amount of  
 4 corporation taxes to be levied and assessed on the taxable property in such village  
 5 for the current year. Before levying any tax for any specified purpose, exceeding one  
 6 percent of the assessed valuation aforesaid, the village board shall, and in all other  
 7 cases may in its discretion, submit the question of levying the same to the village  
 8 electors at ~~any general or special~~ the next election authorized under s. 8.065 (2) or  
 9 an election authorized under s. 8.065 (3) to be held no sooner than 45 days after  
 10 adoption of the resolution  
~~submission~~ by giving 10 days' notice thereof prior to such election by publication in  
 11 a newspaper published in the village, if any, and if there is none, then by posting  
 12 notices in 3 public places in said village, setting forth in such notices the object and  
 13 purposes for which such taxes are to be raised and the amount of the proposed tax.

*the village board shall file the questions provided in s. 8.37.*

14 SECTION 15. 62.09 (1) (a) of the statutes is amended to read:

15 62.09 (1) (a) The officers shall be a mayor, treasurer, clerk, comptroller,  
 16 attorney, engineer, one or more assessors unless the city is assessed by a county  
 17 assessor under s. 70.99, one or more constables as determined by the common  
 18 council, a local health officer, as defined in s. 250.01 (5), or local board of health, as  
 19 defined in s. 250.01 (3), street commissioner, board of police and fire commissioners  
 20 except in cities where not applicable, chief of police, chief of the fire department,  
 21 board of public works, 2 alderpersons from each aldermanic district, and such other  
 22 officers or boards as are created by law or by the council. If one alderperson from each

23 aldermanic district is provided under s. ~~66.018~~ <sup>66.0211</sup> (1), the council may, by ordinance

24 adopted by a two-thirds vote of all its members and approved by the electors at a

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1 ~~general or special~~ any election authorized under s. 8.065, provide that there shall be  
2 2 alderpersons from each aldermanic district.

3 **SECTION 16.** 64.03 (1) of the statutes is amended to read:

4 64.03 (1) Every ordinance or resolution for the adoption of ss. 64.01 to 64.15,  
5 and every petition for a ~~special election~~ referendum on the same, shall state the  
6 number of members of which the council herein provided for shall be composed, the  
7 term of office of its members, which term shall not exceed 2 years, whether they shall  
8 be nominated and elected from aldermanic districts or from the city at large, and the  
9 compensation, if any, which they shall receive.

10 **SECTION 17.** 64.39 (3) of the statutes is amended to read:

11 64.39 (3) Upon filing such petition, the mayor shall, by proclamation, submit  
12 the questions prescribed in sub. (1) at ~~a special~~ the next election authorized under  
13 s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held at a time specified  
14 ~~therein and within 2 months not sooner than 45 days~~ after such petition is filed. The  
15 election upon such question shall be conducted, the vote canvassed, and the result  
16 declared in the same manner as provided by law for other city elections.

17 **SECTION 18.** ~~66.01~~ <sup>66.0101</sup> (8) of the statutes is amended to read:

18 ~~66.01~~ <sup>66.0101</sup> (8) Every ~~charter, charter amendment or~~ <sup>charter amendment</sup> charter ordinance enacted or  
19 approved by a vote of the electors ~~shall control and prevail~~ <sup>controls</sup> over any prior or  
20 subsequent act of the legislative body of the city or village. ~~Whenever~~ <sup>If</sup> the electors  
21 of any city or village by a majority vote have adopted or determined to continue to  
22 operate under either ch. 62 or 64, or have determined the method of selection of  
23 members of the governing board, the question shall not again be submitted to the  
24 electors, nor action taken ~~thereon~~ <sup>on the question,</sup> within a period of 2 years. Any election to change  
25 or amend the charter of any city or village, other than ~~a special~~ <sup>strike space</sup> an election as

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SECTION 18

1 provided in called under s. 9.20 (4), shall be held at the time provided by statute for holding the spring election.

2 SECTION 19. ~~66.059~~ (2m) (b) of the statutes is amended to read:

3 ~~66.059~~ (2m) (b) If a referendum is to be held on a resolution, the municipal governing body shall direct the municipal clerk to call a special election for the purpose of submitting submit the resolution to the electors for approval of the electors at a referendum on approval or rejection. In lieu of a special election, the municipal governing body may specify that the election be held at the next succeeding spring primary or election or September primary or general election called in accordance with s. 8.065.

11 SECTION 20. ~~66.062~~ (1) (c) of the statutes is amended to read:

12 ~~66.062~~ (1) (c) No such ordinance shall be operative until 60 days after passage and publication unless sooner approved by a referendum. Within that time electors equal in number to 20 percent of those voting at the last regular municipal election, may file a petition requesting a referendum. The demand shall be in writing and filed with the clerk.

16 Each signer shall state his or her occupation and residence and signatures shall be verified by the affidavit of an elector. The referendum shall be held at the next regular municipal election, or at a special election within 90 days of the authorized under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held not sooner than 45 days after filing of the demand, and the ordinance shall not be effective unless approved by a majority of the votes cast thereon. This paragraph shall not apply to extensions by a utility previously franchised by the village, or city or town.

23 SECTION 21. 66.075 (5) of the statutes is amended to read:

24 66.075 (5) The provisions of this section shall apply only to such counties, cities, villages and towns as shall have adopted the same at any general or municipal

and as provided in s. 8.37  
The petition shall conform to the requirements of

s. 8.40

Handwritten notes: "File the resolution as provided in s. 8.37 and shall" with arrows pointing to the text.

Vertical handwritten notes on the left margin: "Delete this", "Add striking and petition", "file a petition requesting a referendum", "petition", "demand", "take effect", "may", "does", "or town".

Handwritten annotations in the text: "66.0619", "66.0815", "An ordinance shall be operative until 60 days after passage", "the 60-day period", "strike", "20%", "file a petition requesting a referendum", "petition", "demand", "take effect", "may", "does", "or town".

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1 election at which the question of the establishment of such county or municipal  
 2 slaughterhouse shall have been submitted to the voters of such county, city, village  
 3 or town. Such question shall, upon the filing of a petition conforming to the  
 4 requirements of s. 8.40 by electors of such county, city, village or town equal in  
 5 number to at least 10% of all the votes cast in such county, city, village or town for  
 6 governor at the last preceding general election, be submitted to the electors of such  
 7 county, city, village or town at the next ensuing election authorized under s. 8.065 (2)  
 8 or an election authorized under s. 8.065 (3) to be held not sooner than 45 days after  
 9 filing of the petition, and if a majority of votes cast shall be in favor of the  
 10 establishment of such slaughterhouse, the provisions of this section shall apply to  
 11 such county, city, village or town.

12 SECTION 22. <sup>66.0921</sup>~~66.504~~ (2) of the statutes is amended to read:

13 <sup>66.0921</sup>~~66.504~~ (2) FACILITIES AUTHORIZED. A municipality may enter into a joint  
 14 contract with a nonprofit corporation organized for civic purposes and located in the  
 15 municipality to construct or otherwise acquire, equip, furnish, operate and maintain  
 16 a facility to be used for municipal and civic activities if a majority of the voters voting  
 17 in a referendum at a special election or at a spring primary or election or September  
 18 primary or general an election authorized under s. 8.065 approve the question of  
 19 entering into the joint contract.

20 SECTION 23. <sup>66.1103</sup>~~66.521~~ (10) (d) of the statutes is amended to read:

21 <sup>66.1103</sup>~~66.521~~ (10) (d) The governing body may issue bonds under this section without  
 22 submitting the proposition to the electors of the municipality for approval unless  
 23 within 30 days from the date of publication of notice of adoption of the initial  
 24 resolution for such bonds, a petition conforming to the requirements of s. 8.40, and  
 25 signed by a number of electors of the municipality equal to not less than 5% of the

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SECTION 23

1 registered electors of the municipality, or, if there is no registration of electors in the  
 2 municipality, by 10% of the number of electors of the municipality voting for the office  
 3 of governor at the last general election as determined under s. 115.01 (13), is filed  
 4 with the clerk of the municipality <sup>and as provided in s. 8.37</sup> requesting a referendum upon the question of the  
 5 issuance of the bonds. If such a petition is filed, the bonds ~~shall~~ <sup>may</sup> not be issued until  
 6 approved by a majority of the electors of the municipality voting ~~thereon~~ <sup>on the referendum</sup> at a general  
 or special election referendum called in accordance with s. 8.065.

SECTION 24. <sup>59.605</sup> ~~66.77~~ (3) (a) 1. of the statutes is amended to read:

<sup>59.605</sup> ~~66.77~~ (3) (a) 1. If the governing body of a county wishes to exceed the operating  
 levy rate limit otherwise applicable to the county under this section, it shall adopt  
 a resolution to that effect. The resolution shall specify either the operating levy rate  
 or the operating levy that the governing body wishes to impose for either a specified  
 number of years or an indefinite period. The governing body shall ~~call a special~~  
 referendum for the purpose of submitting the resolution to the electors of the county  
 for approval or rejection. ~~In lieu of a special referendum, the governing body may~~  
 specify that provide for the referendum to be held at the next succeeding spring  
 primary or election or September primary or general election to be held authorized  
 under s. 8.065 (2) or an election authorized under s. 8.065 (3) that occurs not earlier

than <sup>60</sup> ~~60~~ days after the adoption of the resolution of the governing body. <sup>The governing body shall file the resolution to be submitted to the electors as provided in s. 8.37.</sup>

SECTION 25. ~~66.94~~ (4) of the statutes is amended to read:

~~66.94 (4) MANNER OF ADOPTION. This section may be adopted by any city, village or town within the metropolitan district in the following manner: The governing body of any municipality, by ordinance passed at least 30 days prior to submission of the question, may direct that the question of the adoption of this section be submitted to the electors therein at any general, special, judicial or local election authorized~~

sect; out of order  
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## SECTION 26

1 other than those specified in this subsection need be submitted to county electors,  
2 except as provided otherwise in sub. (7).

3 (5) REFERENDUM IN TOWNS, VILLAGES AND CITIES. (a) Whenever an initial  
4 resolution has been so adopted by the governing body of a town, the clerk of the  
5 municipality shall immediately record the resolution and call a ~~special election~~  
6 referendum in accordance with s. 8.065 for the purpose of submitting the resolution  
7 to the electors of the municipality for approval. This paragraph does not apply to  
8 bonds issued to finance low-interest mortgage loans under s. ~~60.98~~<sup>62.237</sup> unless a number ✓  
9 of electors equal to at least 15% of the votes cast for governor at the last general  
10 election in their town sign and file a petition conforming to the requirements of s. 8.40  
11 with the town clerk requesting submission of the resolution. Whenever a number of  
12 electors cannot be determined on the basis of reported statistics, the number shall  
13 be determined in accordance with s. 60.74 (6). If a petition is filed, the question  
14 submitted shall be whether the resolution shall or shall not be approved. This  
15 paragraph is limited in its scope by sub. (7). *e*

16 (b) No city or village may issue any bonds for any purposes other than for water  
17 systems, lighting works, gas works, bridges, street lighting, street improvements,  
18 street improvement funding, hospitals, airports, harbor improvements, river  
19 improvements, breakwaters and protection piers, sewerage, garbage disposal,  
20 rubbish or refuse disposal, any combination of sewage, garbage or refuse or rubbish  
21 disposal, parks and public grounds, swimming pools and band shells (thereon) *e*  
22 veterans housing projects, paying the municipality's portion of the cost of abolishing  
23 grade crossings, for the construction of police facilities and combined fire and police  
24 safety buildings, for the purchase of sites for engine houses, for fire engines and other  
25 equipment of the fire department, for construction of engine houses, and for pumps,

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*PPS: Write in any changes that, in this stat. (1)*  
*missed. 66.405 to 66.435*

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water mains, reservoirs and all other reasonable facilities for fire protection apparatus or equipment for fire protection, for parking lots or other parking facilities, for school purposes, for libraries, for buildings for the housing of machinery and equipment, for acquiring and developing sites for industry and commerce as will expand the municipal tax base, for financing the cost of low-interest mortgage loans under s. ~~66.26~~<sup>62.237</sup>, for providing financial assistance to blight elimination, slum clearance, community development, redevelopment and urban renewal programs and projects under ss. ~~66.105 to 66.125, 66.48, 66.431, 66.432, 66.435 and 66.46~~<sup>66.1105, 66.1301, 66.1329 and 66.1331 to 66.1337</sup> or for university of Wisconsin system college campuses, as defined in s. 36.05 (6m), until the proposition for their issue for the special purpose ~~thereof~~ has been submitted to the electors of the city or village and adopted by a majority vote. Except as provided under sub. (15), if the common council of any city or the village board of a village declares its purpose to raise money by issuing bonds for any purpose other than those ~~specified~~<sup>in this subsection</sup>, it shall direct by resolution, which shall be recorded at length in the record of its proceedings, the clerk to call a special election referendum in accordance with s. 8.065 for the purpose of submitting the question of bonding to the city or village electors. If a number of electors of a city or village equal to at least 15% of the votes cast for governor at the last general election in their city or village sign and file a petition conforming to the requirements of s. 8.40 with the city or village clerk requesting submission of the resolution, the city or village may not issue bonds for financing the cost of low-interest mortgage loans under s. ~~66.26~~<sup>62.237</sup> without calling a special election to submit the question of bonding to unless the issuance is approved by the city or village electors for their approval at a referendum called in accordance with s. 8.065.

SECTION 27. 67.05 (6a) (a) 2. a. of the statutes is amended to read:

**ENGROSSED ASSEMBLY BILL 105****SECTION 27**

1           67.05 (6a) (a) 2. a. Direct the school district clerk to call a ~~special election~~  
2 referendum in accordance with s. 8.065 (2) or an election authorized under s. 8.065  
3 (3) for the purpose of submitting the resolution to the electors for approval or  
4 rejection, ~~or direct that the resolution be submitted at the next regularly scheduled~~  
5 primary or election permitted under s. 8.065 (2) or an election authorized under s.  
6 8.065 (3) to be held not earlier than 45 days after the adoption of the resolution. The  
7 resolution shall not be effective unless adopted by a majority of the school district  
8 electors voting at the referendum.

9           **SECTION 28.** 67.05 (6m) (b) of the statutes is amended to read:

10           67.05 (6m) (b) If a referendum is to be held on an initial resolution, the district  
11 board shall direct the technical college district secretary to call a ~~special election~~  
12 referendum in accordance with s. 8.065 for the purpose of submitting the initial  
13 resolution to the electors for ~~a referendum on approval or rejection.~~ <sup>strike space</sup> ~~In lieu of a~~  
14 ~~special election, the district board may specify that the election be held at the next~~  
15 ~~succeeding spring primary or election or September primary or general election.~~

16           **SECTION 29.** 67.10 (5) (b) of the statutes is amended to read:

17           67.10 (5) (b) Any city having voted approved the issuance of bonds at a special  
18 referendum election held in accordance with s. 8.065 and having sold a portion  
19 thereof may negotiate, sell or otherwise dispose of the same in the manner provided  
20 by statute within 9 years of the date of the election voting the same.

21           **SECTION 30.** 67.12 (12) (e) 5. of the statutes is amended to read:

22           67.12 (12) (e) 5. Within 10 days of the adoption by a technical college district  
23 board of a resolution under subd. 1. to issue a promissory note for a purpose under  
24 s. 38.16 (2), the secretary of the district board shall publish a notice of such adoption  
25 as a class 1 notice, under ch. 985. The notice need not set forth the full contents of

**ENGROSSED ASSEMBLY BILL 105**

1 the resolution, but shall state the amount proposed to be borrowed, the method of  
2 borrowing, the purpose thereof, that the resolution was adopted under this  
3 subsection and the place where and the hours during which the resolution is  
4 available for public inspection. If the amount proposed to be borrowed is for building  
5 remodeling or improvement and does not exceed \$500,000 or is for movable  
6 equipment, the district board need not submit the resolution to the electors for  
7 approval unless, within 30 days after the publication or posting, a petition  
8 conforming to the requirements of s. 8.40 is filed with the secretary of the district  
9 board requesting a referendum ~~at a special election~~ to be called for that purpose.  
10 Such petition shall be signed by electors from each county lying wholly or partially  
11 within the district. The number of electors from each county shall equal at least 1.5%  
12 of the population of the county as determined under s. 16.96 (2) (c). If a county lies  
13 in more than one district, the technical college system board shall apportion the  
14 county's population as determined under s. 16.96 (2) (c) to the districts involved and  
15 the petition shall be signed by electors equal to the appropriate percentage of the  
16 apportioned population. ~~In lieu of a special election, the district board may specify~~  
17 ~~that the referendum shall be held at the next succeeding spring primary or election~~ *plain*  
18 ~~or September primary or general election.~~ Any resolution to borrow amounts of  
19 money in excess of \$500,000 for building remodeling or improvement shall be  
20 submitted to the electors of the district for approval. Any referendum under this  
21 subdivision shall be called at the next election authorized under s. 8.065 (2) or an  
22 election authorized under s. 8.065 (3) occurring not sooner than 45 days after filing  
23 of a petition or adoption of a resolution requiring the referendum. *scope* If a referendum  
24 is held or required under this subdivision, no promissory note may be issued until  
25 the issuance is approved by a majority of the district electors voting at such

ENGROSSED ASSEMBLY BILL 105

SECTION 30

1 referendum. The referendum shall be noticed, called and conducted under s. 67.05  
 2 (6a) insofar as applicable, except that the notice of special election referendum and  
 3 ballot need not embody a copy of the resolution and the question which shall appear  
 4 on the ballot shall be "Shall ... (name of district) be authorized to borrow the sum of  
 5 \$... for (state purpose) by issuing its general obligation promissory note (or notes)  
 6 under section 67.12 (12) of the Wisconsin Statutes?"

(intro.)

SECTION 31. 81.01 (3) (b) of the statutes is amended to read:

8 81.01 (3) (b) <sup>(intro.)</sup> The town board by resolution submits to the electors of the town  
 as a referendum at a <sup>strike space</sup> general or special town an election authorized under s. 8.065  
 10 <sup>A copy of the resolution shall be filed as provided in s. 8.37.</sup> the question of exceeding the \$10,000 limit set under this subsection. The board shall  
 11 abide by the majority vote of the electors of the town on the question. The question  
 12 shall read as follows:

~~13 Shall the town of ... spend \$... over the annual limit of \$10,000 for the  
 14 construction and repair of its highways and bridges?  
 15 FOR SPENDING  AGAINST SPENDING~~

SECTION 32. 86.21 (2) (a) of the statutes is amended to read:

17 86.21 (2) (a) Before any such toll bridge is constructed or acquired under this  
 18 section, a resolution authorizing the construction or acquisition thereof, and  
 19 specifying the method of payment therefor, shall be adopted by a majority of the  
 20 members of the governing body of such county, town, village or city at a regular  
 21 meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The  
 22 resolution shall include a general description of the property it is proposed to acquire  
 23 or construct. Any county, town, village or city constructing or acquiring a toll bridge  
 24 under this section may provide for the payment of the same or any part thereof from  
 25 the general fund, from taxation, or from the proceeds of either municipal bonds,

## ENGROSSED ASSEMBLY BILL 105

1 revenue bonds or as otherwise provided by law. Such resolution shall not be effective  
 2 until 15 days after its passage and publication. If within said 15 days a petition  
 3 conforming to the requirements of s. 8.40 is filed with the clerk of such municipality  
 4 *and filed as provided in s. 8.37,* signed by at least 20% of the electors thereof requesting that the question of  
 5 acquiring such toll bridge be submitted to the said electors, such question shall be  
 6 submitted at ~~any general or regular municipal~~ the next election authorized under s.  
 7 8.065 (2) or an election authorized under s. 8.065 (3) that may be held not less  
 8 sooner than 10 or more than 45 <sup>42</sup> days from the date of filing such petition. In case  
 9 ~~no such general or regular municipal election is to be held within such stated period,~~  
 10 ~~then the governing body of such municipality shall order a special election to be held~~  
 11 ~~within 30 days from the filing of such petition upon the question of whether such toll~~  
 12 ~~bridge shall be acquired by said municipality.~~ The question submitted to the electors  
 13 shall specify the method of payment for such toll bridge as provided in the resolution  
 14 for the acquisition thereof. If no such petition is filed, or if the majority of votes cast  
 15 at such referendum election are in favor of the acquisition of such toll bridge, then  
 16 the resolution of the governing body for the acquisition of such toll bridge shall be in  
 17 effect.

18 **SECTION 33.** 117.20 of the statutes is amended to read:

19 **117.20 Referendum procedures.** (1) If a referendum is required under ss.  
 20 117.08 to 117.11, it shall be held on the Tuesday after the first Monday in November  
 21 occurring not sooner than 45 days following receipt of the petition or adoption of the  
 22 resolution under s. 117.08 (3) (a), 117.09 (3) (a), 117.10 (3) (a) or 117.11 (4) (a). If a  
 23 referendum is required under s. 117.105, it shall be held on the Tuesday after the first  
 24 Monday in the 2nd November occurring not sooner than 45 days following receipt of  
 25 the petition or adoption of the resolution under s. 117.105 (1).

## ENGROSSED ASSEMBLY BILL 105

## SECTION 33

1 (2) The clerk of each affected school district shall publish notice, as required  
2 under s. 8.55 10.06 (4), in the territory of that school district. The procedures for  
3 school board elections under s. 120.06 (5), (9), (11), (13) and (14) apply to a  
4 referendum held under this section. The school board and school district clerk of each  
5 affected school district shall each perform, for that school district, the functions  
6 assigned to the school board and the school district clerk, respectively, under those  
7 subsections. The form of the ballot shall correspond to the form prescribed by the  
8 elections board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected school  
9 district shall file with the secretary of the board a certified statement prepared by  
10 the school district board of canvassers of the results of the referendum in that school  
11 district.

12 SECTION 34. 119.48 (4) (b) and (c) of the statutes are amended to read:

13 119.48 (4) (b) The communication shall state the purposes for which the funds  
14 from the increase in the levy rate will be used and shall request the common council  
15 to submit to the voters of the city the question of exceeding the levy rate specified in  
16 s. 65.07 (1) (f) at ~~the September election or a special~~ an election authorized under s.  
17 8.065.

18 (c) Upon receipt of the communication, the common council shall *file the communication as provided in s. 8.37 and shall* cause the  
19 question of exceeding the levy rate specified under s. 65.07 (1) (f) to be submitted to  
20 the voters of the city at the ~~September election or at a special~~ next election authorized  
21 under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held not sooner  
22 than 45 days after receipt of the communication. The question of exceeding the levy  
23 rate specified under s. 65.07 (1) (f) shall be submitted *upon a separate ballot or in*  
24 ~~some other manner~~ so that the vote upon exceeding the levy rate specified in s. 65.07  
25 (1) (f) is taken separately from any other question submitted to the voters. If a

## ENGROSSED ASSEMBLY BILL 105

1 majority of the electors voting on the question favors exceeding the levy rate specified  
2 under s. 65.07 (1) (f), the common council shall approve the increase in the levy rate  
3 and shall levy and collect a tax equal to the amount of money approved by the  
4 electors.

5 SECTION 35. 119.49 (1) (b) and (2) of the statutes are amended to read:

6 119.49 (1) (b) The communication shall state the amount of funds needed under  
7 par. (a) and the purposes for which the funds will be used and shall request the  
8 common council to submit to the voters of the city at the next election authorized  
9 under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held in the city  
10 not sooner than 45 days after receipt of the communication the question of issuing  
11 school bonds in the amount and for the purposes stated in the communication.

12 (2) Upon receipt of the communication, the common council shall <sup>file the communication as provided in s. 8.37 and shall</sup> cause the  
13 question of issuing such school bonds in the stated amount and for the stated school  
14 purposes to be submitted to the voters of the city at the next election held in the city  
15 authorized under s. 8.065 (2) or an election authorized under s. 8.065 (3) that occurs  
16 not sooner than 45 days after the date of receipt of the communication. The question  
17 of issuing such school bonds shall be submitted ~~upon a separate ballot or in some~~  
18 ~~other manner~~ so that the vote upon issuing such school bonds is taken separately  
19 from any other question submitted to the voters. If a majority of the electors voting  
20 on the school bond question favors issuing such school bonds, the common council  
21 shall cause the school bonds to be issued immediately or within the period permitted  
22 by law, in the amount requested by the board and in the manner other bonds are  
23 issued.

24 SECTION 36. 121.91 (3) (a) of the statutes is amended to read:



ENGROSSED ASSEMBLY BILL 105

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succeeding election authorized under s. 8.065 (2) or an election authorized under s. 8.065 (3) that ~~may be~~ is held not less than ~~30~~ <sup>42</sup> and not ~~more than 35~~ <sup>47</sup> days from the date of the filing of the petition. If no general election or regular municipal election is to be held within the stated periods, the governing body of the municipality shall order the holding of a special election for the purpose of submitting the question to the electors.

to be held not less than 42 days from the date of filing of the petition

(2) The governing body of the municipality may provide for notice of, the manner of holding <sup>of</sup> the method of voting on, the method of making returns of, and the method of canvassing and determining the result of, the election required under sub. (1). Notice of the election to the electors shall be given by a brief notice of that fact once a week for 3 weeks in some newspaper of general circulation published in the municipality. If no newspaper of general circulation is published in the municipality, publication may be made in any newspaper of general circulation in the county seat of the county in which the municipality is located. ~~The notice of holding any special election shall be incorporated as a part of the notice given under this subsection.~~

SECTION 38. 197.10 (2) of the statutes is amended to read:

197.10 (2) Such contract when adopted by the common council of said city and accepted by the owner or owners of such public utility shall be submitted to the public service commission for its approval and upon such approval the same shall be <sup>filed as provided in s. 8.37 and</sup> submitted in such manner as the common council shall determine to a vote of the electors of such city at the next regular municipal election or at a special election called for that purpose authorized under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held not sooner than 45 days after approval of the commission, and such contract shall not become binding upon such city until approved by a majority

**ENGROSSED ASSEMBLY BILL 105****SECTION 38**

1 vote of the qualified electors of such city voting thereon. No bonds shall in any case  
2 be issued by said city under the contract or contracts mentioned in sub. (1), until the  
3 proposition of their issue shall have been submitted to the people of such city and  
4 adopted by a majority of the electors voting thereon.

5 **SECTION 39.** 198.19 (1) of the statutes is amended to read:

6 198.19 (1) Any territory, constituting one or more municipalities contiguous to  
7 a district may be annexed to and become a part of such district to all intents and  
8 purposes and with like effect as though originally included therein upon such terms  
9 and conditions as the board of directors of the district shall fix by ordinance adopted  
10 by the affirmative vote of two-thirds of the directors-elect, provided that before such  
11 ordinance becomes effective the same shall be accepted and ratified by the  
12 affirmative vote of a majority of the qualified electors entitled to vote and voting in  
13 a ~~special election~~ referendum called and held for that purpose, in accordance with  
14 s. 8.065, in each municipality proposed in such ordinance to be annexed to the  
15 district. Such ordinance shall be published and such election shall be noticed, held  
16 and conducted, as nearly as may be, in the manner provided by this chapter for the  
17 noticing, holding and conduct of elections upon the organization of a municipal power  
18 district, except that the returns of such election and the ballots therein shall be  
19 delivered to the clerk of the district. The results of said election shall be canvassed  
20 publicly by the directors of the district.

21 **SECTION 40. Initial applicability.**

22 (1) This act first applies with respect to referenda called on the effective date  
23 of this subsection.

24

**SECTION 41. Effective date.**

**ENGROSSED ASSEMBLY BILL 105**

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(1) This act takes effect on January 1, <sup>2002</sup>~~2000~~, or on the day after publication,  
whichever is later.

(END)

INSERTS TO

2001  
1999 - 2000 LEGISLATURE

1520/1  
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# 1999 ASSEMBLY BILL 105

February 9, 1999 - Introduced by Representatives SKINDRUD, JENSEN, GARD, AINSWORTH, DUFF, FREESE, GROTHMAN, HAHN, HANDRICK, HOVEN, KELSO, LADWIG, F. LASEE, NASS, PETTIS, PORTER, RHOADES, SERATTI, SINICKI, SYKORA, VRAKAS, WALKER and WARD, cosponsored by Senators DRZEWIECKI, ELLIS, HUELSMAN, WELCH and LAZICH. Referred to Committee on Campaigns and Elections.

1 **AN ACT to amend** 7.15 (2) (d), 8.05 (3) (d) and (e), 8.06, 9.20 (4), 24.66 (3) (b), 24.66  
 2 (4), 32.72 (1), 59.08 (7) (b), 60.62 (2), 60.74 (5) (b), 61.187 (1), 61.46 (1), 62.09 (1)  
 3 (a), 64.03 (1), 64.39 (3), 66.01 (8), 66.059 (2m) (b), 66.061 (1) (c), 66.075 (5),  
 4 66.504 (2), 66.521 (10) (d), 66.77 (3) (a) 1., 66.94 (4), 67.05 (4) and (5), 67.05 (6a)  
 5 (a) 2. a., 67.05 (6m) (b), 67.10 (5) (b), 67.12 (12) (e) 5., 81.01 (3) (b), 86.21 (2) (a),  
 6 117.20, 119.48 (4) (b) and (c), 119.49 (1) (b) and (2), 121.91 (3) (a), 197.04 (1) (b)  
 7 and (2), 197.10 (2) and 198.19 (1); and **to create** 8.065 and 15.615 of the  
 8 statutes; **relating to:** scheduling of referenda by local governments.

## Analysis by the Legislative Reference Bureau

Under current law, referenda are authorized or required to be held by local governments under various laws for various purposes. In some cases, these referenda are authorized or required to be held at special elections when no offices appear on the ballot. In most cases, there is no limitation upon the frequency that questions relating to the same subject matter may be submitted.

This bill provides that, unless a more restrictive limitation applies currently, a referendum by a local government may only be held concurrently with the spring primary (held in most election districts in each year), the spring election (held in each year), or on the first Tuesday after the first Monday in November of an

**ASSEMBLY BILL 105**

*Pass A: 2*

*or concurrently with*

odd-numbered year (no election is currently held on that date), the September primary (held in each even-numbered year) or general election (held in each even-numbered year). The bill also provides that, unless a more restrictive limitation applies currently, no referendum submitted by the same local government relating to substantially similar subject matter or relating to authorization for the borrowing of money may be held more than once in any 12-month period. However, the bill creates a state referendum appeal board consisting of the governor, the senate majority leader, the senate minority leader, the speaker of the assembly and the assembly minority leader or their designees, which is empowered to permit a local government to hold a referendum on a date that is not otherwise permitted if the board finds that an emergency exists which requires the referendum to be held on a date that is not otherwise permitted.

The bill applies to all referenda, including referenda concerning direct legislation (initiative) in cities and villages.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

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**SECTION 1.** 7.15 (2) (d) of the statutes is amended to read:

7.15 (2) (d) Whenever the governing body of any municipality submits any question to a vote of the electors or whenever a proper recall petition and certificate are filed under s. 9.10, the municipal clerk shall issue a call for the election and prepare and distribute ballots as required in the authorization of submission or as provided in s. 9.10. The date of the referendum shall be established in accordance with s. 8.065, and shall be fixed by the municipal clerk or board of election commissioners unless otherwise provided by law or unless the governing body fixes a date. The ballot for any referendum shall conform to s. 5.64 (2). If there is already an official municipal referendum ballot for the election, the question may appear on the same ballot.

**SECTION 2.** 8.05 (3) (d) and (e) of the statutes are amended to read:

ASSEMBLY BILL 105

*ANS 3-19:1*

1           8.05 (3) (d) ~~The question of adoption of the nonpartisan primary under this~~  
2           ~~subsection may be submitted to the electors at any regular election authorized under~~  
3           ~~s. 8.065 held in the town or at a special election called for the purpose. When a~~  
4           ~~petition conforming to the requirements of s. 8.40 signed by at least 20 electors of the~~  
5           ~~town is filed with the town clerk so requesting, the question shall be submitted to a~~  
6           ~~vote.~~

7           (e) Petitions requesting a vote on the question at a regular town election shall  
8           be filed no later than 5 p.m. the last Tuesday in February. When the petition is filed,  
9           the clerk shall check its sufficiency. ~~Whether at a regular or special election, the~~ The  
10          ~~clerk shall give separate notice by one publication in a newspaper at least 5 days~~  
11          ~~before the election.~~

12           **SECTION 3.** 8.06 of the statutes is amended to read:

13           **8.06 Special elections may be called.** Towns, cities, villages and school  
14          districts may call special elections for any purpose whenever such action is  
15          authorized or required by law. If an election is called for a special referendum, the  
16          election shall be called and noticed under as provided in s. 8.55.

17           **SECTION 4.** 8.065 of the statutes is created to read:

18           **8.065 Scheduling of referenda.** (1) In this section, "local governmental  
19          ~~unit" has the meaning given in s. 16.97 (7).~~

20           (2) Unless otherwise required by law or unless authorized under sub. (3), a  
21          referendum held by any local governmental unit that is authorized or required by  
22          law to hold a referendum may only be held concurrently with the spring primary,  
23          spring election, September primary, <sup>✓</sup> or general election, or on the first Tuesday after  
24          the first Monday of November of an odd-numbered year. Unless otherwise required  
25          by law or unless authorized under sub. (3), no referendum submitted by the same

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1 local governmental unit relating to substantially similar subject matter or relating  
2 to authorization for the borrowing of money may be held more than once in any  
3 12-month period.

4 (3) If a local governmental unit wishes to hold a special referendum on a date  
5 that is not concurrent with an election specified in s. 5.02 (5), (18), (21)<sup>✓</sup> or (22) or on  
6 a date other than the first Tuesday after the first Monday in November of an  
7 odd-numbered year, the local governmental unit may petition the referendum  
8 appeal board for a determination that an emergency exists with respect to a  
9 particular question. The referendum appeal board shall make a determination  
10 within 10 days after receipt of a petition under this subsection. If the referendum  
11 appeal board finds, with the concurrence of at least 4 members, that an emergency  
12 exists which requires a special referendum to be held by a local governmental unit  
13 on a date that is not concurrent with an election specified in s. 5.02 (5), (18), (21)<sup>✓</sup> or  
14 (22) or on a date other than the first Tuesday after the first Monday in November of  
15 an odd-numbered year, the board may permit a referendum relating to the question  
16 specified in the petition to be held on a date determined by the local governmental  
17 unit.

18 SECTION 5. 9.20 (4) of the statutes is amended to read:

19 9.20 (4) The common council or village board shall, without alteration, either  
20 pass the ordinance or resolution within 30 days following the date of the clerk's final  
21 certificate, or submit it to the electors at the next spring or general election  
22 authorized under s. 8.065, if the election is more than 6 weeks after the date of the  
23 council's or board's action on the petition or the expiration of the 30-day period,  
24 whichever first occurs. If there are 6 weeks or less before the election, the ordinance  
25 or resolution shall be voted on at the next election authorized under s. 8.065 (2) or

INS 5-3

1 ~~an election authorized under s. 8.065 (3) thereafter. The council or board by a~~  
2 ~~three-fourths vote of the members elect may order a special election for the purpose~~  
3 ~~of voting on the ordinance or resolution at any time prior to the next election, but not~~  
4 ~~more than one special election for direct legislation may be ordered in any 6-month~~  
5 ~~period.~~

9

6 SECTION 6. 15.615 of the statutes is created to read:

7 **15.615 Same; attached boards.** (2) REFERENDUM APPEAL BOARD. There is  
8 created a referendum appeal board which is attached to the elections board under  
9 s. 15.03. The board shall consist of the governor, the senate majority leader, the  
10 senate minority leader, the speaker of the assembly, and the assembly minority  
11 leader or the designees of these persons. Members of the board shall serve for  
12 indefinite terms.

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13 SECTION 7. 24.66 (3) (b) of the statutes is amended to read:

14 24.66 (3) (b) *For long-term loans by unified school districts.* Every application  
15 for a loan, the required repayment of which exceeds 10 years, shall be approved and  
16 authorized for a unified school district by a majority vote of the members of the school  
17 board at a regular or special meeting of the school board. Every vote so required shall  
18 be by ayes and noes duly recorded. In addition, the application shall be approved for  
19 a unified school district by a majority vote of the electors of the school district at a  
20 special election referendum as provided under sub. (4).

21 SECTION 8. 24.66 (4) of the statutes is amended to read:

22 24.66 (4) POPULAR VOTE, WHEN REQUIRED. If any municipality is not empowered  
23 by law to incur indebtedness for a particular purpose without first submitting the  
24 question to its electors, the application for a state trust fund loan for that purpose  
25 must be approved and authorized by a majority vote of the electors at a special

Pr 56-11

Section #. 38.15 (1) of the statutes is amended to read:

38.15 (1) Subject to sub. (3), if the district board intends to make a capital expenditure in excess of \$500,000, excluding moncys reccived from gifts, grants or federal funds, for the acquisition of sites, purchase or construction of buildings, the lease/purchase of buildings if costs exceed \$500,000 for the lifetime of the lease, building additions or enlargements or the purchase of fixed equipment relating to any such activity, it shall adopt a resolution stating its intention to do so and identifying the anticipated source of revenue for each project and shall submit the resolution to the electors of the district for approval. The referendum shall be noticed, called and conducted as provided in s. 67.05 (3) insofar as applicable. For the purposes of this section, all projects located on a single campus site within one district which are bid concurrently or which are approved by the board under s. 38.04 (10) within a 2-year period shall be considered as one capital expenditure project.

*may be held at any election authorized under s. 8.065 and*

History: 1979 c. 221; 1983 a. 380; 1985 a. 323; 1987 a. 27, 391; 1989 a. 31; 1999 a. 9.

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1520/1iJTK2  
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JWS 10-2-01

SECTION 1. 66.0217 (7) (a) 3. of the statutes is amended to read:

66.0217 (7) (a) 3. If the notice indicates that the petition is for a referendum on the question of annexation, the clerk of the city or village shall file the notice as provided in s. 8.37. If the notice indicates that the petition is for a referendum on the question of annexation, the town clerk shall give notice as provided in par. (c) of a referendum of the electors residing in the area proposed for annexation to be held ~~not less than 42 days nor more than 72 days~~ <sup>at the next election permitted under s. 8.065(2) or an election authorized under s. 8.065(3)</sup> after the date of personal service or mailing of the notice required under this paragraph. If the notice indicates that the petition is for direct annexation, no referendum shall be held unless within 30 days after the date of personal service or mailing of the notice required under this paragraph, a petition conforming to the requirements of s. 8.40 requesting a referendum is filed with the town clerk as provided in s. 8.37, signed by at least 20% of the electors residing in the area proposed to be annexed. If a petition requesting a referendum is filed, the clerk shall give notice as provided in par. (c) of a referendum of the electors ~~residing in the area proposed for annexation to be held not less than 42 days nor more than 72 days~~ <sup>at the next election permitted under s. 8.065(2) or an election authorized under s. 8.065(3)</sup> after the receipt of the petition and shall mail a copy of the notice to the clerk of the city or village to which the annexation is proposed. The referendum shall be held at a convenient place within the town to be specified in the notice.

NOTE: NOTE: Subd. 3. is shown as affected by two acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:

History: 1973 c. 37, 90, 143, 333; 1977 c. 29 ss. 698, 1654 (8) (c); 1977 c. 187 s. 134; 1977 c. 315, 447; 1979 c. 323; 1979 c. 361 s. 112; 1983 a. 29, 189, 219; 1985 a. 225; 1987 a. 391; 1989 a. 192; 1991 a. 5, 39, 269, 316; 1993 a. 16, 247, 301, 329, 491; 1995 a. 27 ss. 3308 to 3312, 9116 (5), 9145 (1); 1995 a. 201, 225; 1997 a. 27; 1999 a. 96; 1999 a. 150 ss. 44 to 47, 49 to 60, 63 to 65; Stats. 1999 s. 66.0217; 1999 a. 182 s. 197; s. 13.93 (2) (c).

SECTION 2. 66.0219 (4) (b) of the statutes is amended to read:

~~66.0219 (4) (b) The referendum election shall be held not less than 42 days nor more than 72 days~~ <sup>at the next election permitted under s. 8.065(2) or an election authorized under s. 8.065(3)</sup> after the filing of the order as provided in s. 8.37, in the territory proposed for annexation, by the electors of that territory as provided in s. 66.0217 (7),

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so far as applicable. The ballots shall contain the words "For Annexation" and "Against Annexation". The certification of the election inspectors shall be filed with the clerk of the court, and the clerk of any municipality involved, but need not be filed or recorded with the register of deeds.

~~NOTE: NOTE: Par. (b) is shown as affected by two acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:~~  
History: 1979 c. 89; 1987 a. 391; 1991 a. 269; 1993 a. 301, 329; 1995 a. 201; 1999 a. 150 s. 68; Stats. 1999 s. 66.0219; 1999 a. 182 s. 200; s. 13.93 (2) (c).

**SECTION 3. 66.0227 (3) of the statutes is amended to read:**

66.0227 (3) The governing body of a city, village or town involved may, or if a petition conforming to the requirements of s. 8.40 signed by a number of qualified electors equal to at least 5% of the votes cast for governor in the city, village or town at the last gubernatorial election, demanding a referendum, is presented to it within 30 days after the passage of either of the ordinances under sub. (2) shall, submit the

question to the electors of the city, village or town whose electors petitioned for held at the next election permitted under s. 8.065(2) or an election authorized under detachment, at a referendum election called for that purpose, not less than 42 days

~~nor more than 72 days~~ after the filing of the petition, or after the enactment of either s. 8.065(3) ordinance. The petition shall be filed as provided in s. 8.37. If a number of electors but cannot be determined on the basis of reported election statistics, the number shall be determined in accordance with s. 60.74 (6). The governing body of the municipality shall appoint 3 election inspectors who are resident electors to supervise the referendum. The ballots shall contain the words "For Detachment" and "Against Detachment". The inspectors shall certify the results of the election by their attached affidavits and file a copy with the clerk of each town, village or city involved, and none of the ordinances may take effect nor be in force unless a majority of the electors approve the question. The referendum election shall be conducted in accordance with chs. 6 and 7 to the extent applicable.

~~NOTE: NOTE: Sub. (3) is shown as affected by two acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:~~  
History: 1973 c. 90; 1983 a. 29; 1987 a. 391; 1989 a. 192; 1991 a. 5, 269; 1993 a. 301; 1999 a. 150 s. 66; Stats. 1999 s. 66.0227; 1999 a. 182 s. 198; s. 13.93 (2) (c).



2001 BILL

stays

Now  
Gen. Cat.

1 AN ACT *to amend* 7.15 (2) (d), 8.05 (3) (d) and (e), 8.06, 9.20 (4), 24.66 (3) (h), 24.66  
2 (4), 32.72 (1), 38.15 (1), 59.08 (7) (b), 59.605 (3) (a) 1., 60.62 (2), 60.74 (5) (b),  
3 61.187 (1), 61.46 (1), 62.09 (1) (a), 64.03 (1), 64.39 (3), 66.0101 (8), 66.0217 (7)  
4 (a) 3., 66.0219 (4) (b), 66.0227 (3), 66.0619 (2m) (b), 66.0815 (1) (c), 66.0921 (2),  
5 66.1103 (10) (d), 67.05 (4) and (5), 67.05 (6a) (a) 2. a., 67.05 (6m) (b), 67.10 (5)  
6 (b), 67.12 (12) (e) 5., 81.01 (3) (b) (intro.), 86.21 (2) (a), 117.20, 119.48 (4) (b) and  
7 (c), 119.49 (1) (b) and (2), 121.91 (3) (a), 197.04 (1) (b) and (2), 197.10 (2) and  
8 198.19 (1); and *to create* 8.065 and 15.615 of the statutes; **relating to:**  
9 scheduling of referenda by local governments.

***Analysis by the Legislative Reference Bureau***

Under current law, referenda are authorized or required to be held by local governments under various laws for various purposes. In some cases, these referenda are authorized or required to be held at special elections when no offices appear on the ballot. In most cases, there is no limitation upon the frequency that questions relating to the same subject matter may be submitted.

This bill provides that, unless a more restrictive limitation applies currently, a referendum by a local government may only be held concurrently with the spring

**BILL**

primary (held in most election districts in each year), the spring election (held in each year), or on the first Tuesday after the first Monday in November of an odd-numbered year (no election is currently held on that date), or concurrently with the September primary (held in each even-numbered year) or general election (held in each even-numbered year). The bill also provides that, unless a more restrictive limitation applies currently, no referendum submitted by the same local government relating to substantially similar subject matter or relating to authorization for the borrowing of money may be held more than once in any 12-month period. However, the bill creates a state referendum appeal board consisting of the governor, the senate majority leader, the senate minority leader, the speaker of the assembly, and the assembly minority leader or their designees, which is empowered to permit a local government to hold a referendum on a date that is not otherwise permitted if the board finds that an emergency exists which requires the referendum to be held on a date that is not otherwise permitted.

The bill applies to all referenda, including referenda concerning direct legislation (initiative) in cities and villages.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 7.15 (2) (d) of the statutes is amended to read:  
2           7.15 (2) (d) Whenever the governing body of any municipality submits any  
3 question to a vote of the electors or whenever a proper recall petition and certificate  
4 are filed under s. 9.10, the municipal clerk shall issue a call for the election and  
5 prepare and distribute ballots as required in the authorization of submission or as  
6 provided in s. 9.10. The date of the referendum shall be established in accordance  
7 with s. 8.065, and shall be fixed by the municipal clerk or board of election  
8 commissioners unless otherwise provided by law or unless the governing body fixes  
9 a date. The ballot for any referendum shall conform to s. 5.64 (2). If there is already  
10 an official municipal referendum ballot for the election, the question may appear on  
11 the same ballot.

12           **SECTION 2.** 8.05 (3) (d) and (e) of the statutes are amended to read:

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1           8.05 (3) (d) The question of adoption of the nonpartisan primary under this  
2 subsection may be submitted to the electors at any ~~regular~~ election authorized under  
3 s. 8.065 <sup>to be</sup> held in the town ~~or at a special election called for the purpose~~. When a  
4 petition requesting adoption of the nonpartisan primary conforming to the  
5 requirements of s. 8.40 signed by at least 20 electors of the town is filed with the town  
6 clerk as provided in s. 8.37, the question shall be submitted to a vote.

7           (e) Petitions requesting a vote on the question at a regular town election shall  
8 be filed in accordance with s. 8.37 no later than 5 p.m. the last Tuesday in February.  
9 When the petition is filed, the clerk shall check its sufficiency. ~~Whether at a regular~~  
10 ~~or special election, the~~ The clerk shall give separate notice by one publication in a  
11 newspaper at least 5 days before the election.

12           **SECTION 3.** 8.06 of the statutes is amended to read:

13           **8.06 Special elections may be called.** Towns, cities, villages and school  
14 districts may call special elections for any purpose whenever such action is  
15 authorized or required by law. If an election is called for a special referendum, the  
16 election shall be called and noticed under as provided in s. 8.55.

17           **SECTION 4.** 8.065 of the statutes is created to read:

18           **8.065 Scheduling of referenda.** (1) In this section, "local governmental  
19 unit" has the meaning given in s. 16.97 (7).

20           (2) Unless otherwise required by law or unless authorized under sub. (3), a  
21 referendum held by any local governmental unit that is authorized or required by  
22 law to hold a referendum may only be held concurrently with the spring primary,  
23 spring election, September primary, or general election, or on the first Tuesday after  
24 the first Monday of November of an odd-numbered year. Unless otherwise required  
25 by law or unless authorized under sub. (3), no referendum submitted by the same

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1 local governmental unit relating to substantially similar subject matter or relating  
2 to authorization for the borrowing of money may be held more than once in any  
3 12-month period.

4 (3) If a local governmental unit wishes to hold a special referendum on a date  
5 that is not concurrent with an election specified in s. 5.02 (5), (18), (21), or (22) or on  
6 a date other than the first Tuesday after the first Monday in November of an  
7 odd-numbered year, the local governmental unit may petition the referendum  
8 appeal board for a determination that an emergency exists with respect to a  
9 particular question. The referendum appeal board shall make a determination  
10 within 10 days after receipt of a petition under this subsection. If the referendum  
11 appeal board finds, with the concurrence of at least 4 members, that an emergency  
12 exists which requires a special referendum to be held by a local governmental unit  
13 on a date that is not concurrent with an election specified in s. 5.02 (5), (18), (21), or  
14 (22) or on a date other than the first Tuesday after the first Monday in November of  
15 an odd-numbered year, the board may permit a referendum relating to the question  
16 specified in the petition to be held on a date determined by the local governmental  
17 unit.

18 **SECTION 5.** 9.20 (4) of the statutes is amended to read:

19 9.20 (4) The common council or village board shall, without alteration, either  
20 pass the ordinance or resolution within 30 days following the date of the clerk's final  
21 certificate, or submit it to the electors at the next ~~spring or general~~ election  
22 authorized under s. 8.065, if the election is more than 6 weeks after the date of the  
23 council's or board's action on the petition or the expiration of the 30-day period,  
24 whichever first occurs. If there are 6 weeks or less before the election, the ordinance  
25 or resolution shall be voted on at the next election authorized under s. 8.065 (2) or

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1 ~~an election authorized under s. 8.065 (3) thereafter. The council or board by a~~  
2 ~~three-fourths vote of the members-elect may order a special election for the purpose~~  
3 ~~of voting on the ordinance or resolution at any time prior to the next election, but not~~  
4 ~~more than one special election for direct legislation may be ordered in any 6-month~~  
5 ~~period.~~

6 **SECTION 6.** 15.615 of the statutes is created to read:

7 **15.615 Same; attached boards.**

8 (2) REFERENDUM APPEAL BOARD. There is created a referendum appeal board  
9 which is attached to the elections board under s. 15.03. The referendum appeal board  
10 shall consist of the governor, the senate majority leader, the senate minority leader,  
11 the speaker of the assembly, and the assembly minority leader or the designees of  
12 these persons. Members of the board shall serve for indefinite terms.

13 **SECTION 7.** 24.66 (3) (b) of the statutes is amended to read:

14 24.66 (3) (b) *For long-term loans by unified school districts.* Every application  
15 for a loan, the required repayment of which exceeds 10 years, shall be approved and  
16 authorized for a unified school district by a majority vote of the members of the school  
17 board at a regular or special meeting of the school board. Every vote so required shall  
18 be by ayes and noes duly recorded. In addition, the application shall be approved for  
19 a unified school district by a majority vote of the electors of the school district at a  
20 ~~special election referendum~~ as provided under sub. (4).

21 **SECTION 8.** 24.66 (4) of the statutes is amended to read:

22 24.66 (4) POPULAR VOTE, WHEN REQUIRED. If any municipality is not empowered  
23 by law to incur indebtedness for a particular purpose without first submitting the  
24 question to its electors, the application for a state trust fund loan for that purpose  
25 must be approved and authorized by a majority vote of the electors at a special

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**SECTION 8**

1 ~~election referendum~~ called, in accordance with s. 8.065, and noticed and held in the  
2 manner provided for other ~~special elections referenda~~. The question to be voted on  
3 shall be filed as provided in s. 8.37. The notice of the ~~election referendum~~ shall state  
4 the amount of the proposed loan and the purpose for which it will be used.

5 **SECTION 9.** 32.72 (1) of the statutes is amended to read:

6 32.72 (1) Sections 32.50 to 32.71 do not take effect in any city until the following  
7 question is submitted to the electors of the city at a ~~special election referendum called~~  
8 in accordance with s. 8.065 and adopted by a majority vote of the electors voting:  
9 “Shall subchapter II of chapter 32, Wisconsin Statutes, be effective in the city of  
10 ....., thus allowing the city to acquire and condemn property for street  
11 widening and similar purposes, financed through assessments of benefits and  
12 damages?”. The question shall be filed as provided in s. 8.37.

13 **SECTION 10.** 38.15 (1) of the statutes is amended to read:

14 38.15 (1) Subject to sub. (3), if the district board intends to make a capital  
15 expenditure in excess of \$500,000, excluding moneys received from gifts, grants or  
16 federal funds, for the acquisition of sites, purchase or construction of buildings, the  
17 lease/purchase of buildings if costs exceed \$500,000 for the lifetime of the lease,  
18 building additions or enlargements or the purchase of fixed equipment relating to  
19 any such activity, it shall adopt a resolution stating its intention to do so and  
20 identifying the anticipated source of revenue for each project and shall submit the  
21 resolution to the electors of the district for approval. The referendum may be held  
22 at any election authorized under s. 8.065 and shall be noticed, called and conducted  
23 as provided in s. 67.05 (3) insofar as applicable. For the purposes of this section, all  
24 projects located on a single campus site within one district which are bid

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1 concurrently or which are approved by the board under s. 38.04 (10) within a 2-year  
2 period shall be considered as one capital expenditure project.

3 **SECTION 11.** 59.08 (7) (b) of the statutes is amended to read:

4 59.08 (7) (b) The question of the consolidation of the counties shall be submitted  
5 to the voters at the next election authorized under s. 8.065 (2) or an election  
6 authorized under s. 8.065 (3) to be held on the first Tuesday in April, or the next  
7 regular election, or at a special election to be held on the day fixed in a date specified  
8 in the order which shall be no sooner than 45 days after the date of the order issued  
9 under par. (a), which day date shall be the same in each of the counties proposing to  
10 consolidate. A copy of the order shall be filed with the county clerk of each of the  
11 counties as provided in s. 8.37. If the question of consolidation is submitted at a  
12 special election, it shall be held not less than 42 days nor more than 60 days from the  
13 completion of the consolidation agreement, but not within 60 days of any spring or  
14 general election.

15 **SECTION 12.** 59.605 (3) (a) 1. of the statutes is amended to read:

16 59.605 (3) (a) 1. If the governing body of a county wishes to exceed the operating  
17 levy rate limit otherwise applicable to the county under this section, it shall adopt  
18 a resolution to that effect. The resolution shall specify either the operating levy rate  
19 or the operating levy that the governing body wishes to impose for either a specified  
20 number of years or an indefinite period. The governing body shall ~~call a special~~  
21 ~~referendum for the purpose of submitting the resolution to the electors of the county~~  
22 ~~for approval or rejection. In lieu of a special referendum, the governing body may~~  
23 ~~specify that~~ provide for the referendum to be held at the next succeeding spring  
24 primary or election or September primary or general election to be held authorized  
25 under s. 8.065 (2) or an election authorized under s. 8.065 (3) that occurs not earlier

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1 than 42 days after the adoption of the resolution of the governing body. The  
2 governing body shall file the resolution to be submitted to the electors as provided  
3 in s. 8.37.

4 **SECTION 13.** 60.62 (2) of the statutes is amended to read:

5 60.62 (2) If the county in which the town is located has enacted a zoning  
6 ordinance under s. 59.69, the exercise of the authority under sub. (1) is subject to  
7 approval by the town meeting or by a referendum vote of the electors of the town to  
8 be held at the time of any regular or special election in accordance with s. 8.065. The  
9 question for the referendum vote shall be filed as provided in s. 8.37.

10 **SECTION 14.** 60.74 (5) (b) of the statutes is amended to read:

11 60.74 (5) (b) A petition conforming to the requirements of s. 8.40 signed by  
12 qualified electors of the district equal to at least 20% of the vote cast for governor in  
13 the district at the last gubernatorial election, requesting a change to appointment  
14 of commissioners, may be submitted to the town board, subject to sub. (5m) (a). The  
15 petition shall be filed as provided in s. 8.37. Upon receipt of the petition, the town  
16 board shall submit the question to a referendum at the next ~~regular spring~~ election  
17 ~~or general election, or shall call a special election for that purpose~~ authorized under  
18 s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held not sooner than 45  
19 days after receipt of the petition by the town board. The inspectors shall count the  
20 votes and submit a statement of the results to the commission. The commission shall  
21 canvass the results of the election and certify the results to the town board which has  
22 authority to appoint commissioners.

23 **SECTION 15.** 61.187 (1) of the statutes is amended to read:

24 61.187 (1) PROCEDURE. Whenever a petition conforming to the requirements  
25 of s. 8.40, signed by at least one-third as many electors of any village as voted for

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1 village officers at the next preceding election therefor, shall be presented to the  
2 village board, and filed as provided in s. 8.37, praying for dissolution of the village  
3 corporation, such board shall submit to the electors of such village, for determination  
4 by ballot in substantially the manner provided by ss. 5.64 (2) and 10.02, at ~~a general~~  
5 ~~election or at a special election called by them for that purpose~~ the next election  
6 authorized under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held  
7 not sooner than 45 days after presentation of the petition, the question whether or  
8 not such village corporation shall be dissolved.

9 **SECTION 16.** 61.46 (1) of the statutes is amended to read:

10 61.46 (1) GENERAL; LIMITATION. The village board shall, on or before December  
11 15 in each year, by resolution to be entered of record, determine the amount of  
12 corporation taxes to be levied and assessed on the taxable property in such village  
13 for the current year. Before levying any tax for any specified purpose, exceeding one  
14 percent of the assessed valuation aforesaid, the village board shall, and in all other  
15 cases may in its discretion, submit the question of levying the same to the village  
16 electors at ~~any general or special~~ the next election authorized under s. 8.065 (2) or  
17 an election authorized under s. 8.065 (3) to be held no sooner than 45 days after  
18 adoption of the resolution by giving 10 days' notice thereof prior to such election by  
19 publication in a newspaper published in the village, if any, and if there is none, then  
20 by posting notices in 3 public places in said village, setting forth in such notices the  
21 object and purposes for which such taxes are to be raised and the amount of the  
22 proposed tax. The village board shall file the question as provided in s. 8.37.

23 **SECTION 17.** 62.09 (1) (a) of the statutes is amended to read:

24 62.09 (1) (a) The officers shall be a mayor, treasurer, clerk, comptroller,  
25 attorney, engineer, one or more assessors unless the city is assessed by a county

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1 assessor under s. 70.99, one or more constables as determined by the common  
2 council, a local health officer, as defined in s. 250.01 (5), or local board of health, as  
3 defined in s. 250.01 (3), street commissioner, board of police and fire commissioners  
4 except in cities where not applicable, chief of police, chief of the fire department,  
5 board of public works, 2 alderpersons from each aldermanic district, and such other  
6 officers or boards as are created by law or by the council. If one alderperson from each  
7 aldermanic district is provided under s. 66.0211 (1), the council may, by ordinance  
8 adopted by a two-thirds vote of all its members and approved by the electors at a  
9 ~~general or special~~ any election authorized under s. 8.065, provide that there shall be  
10 2 alderpersons from each aldermanic district.

11 **SECTION 18.** 64.03 (1) of the statutes is amended to read:

12 64.03 (1) Every ordinance or resolution for the adoption of ss. 64.01 to 64.15,  
13 and every petition for a ~~special election~~ referendum on the same, shall state the  
14 number of members of which the council herein provided for shall be composed, the  
15 term of office of its members, which term shall not exceed 2 years, whether they shall  
16 be nominated and elected from aldermanic districts or from the city at large, and the  
17 compensation, if any, which they shall receive.

18 **SECTION 19.** 64.39 (3) of the statutes is amended to read:

19 64.39 (3) Upon filing such petition, the mayor shall, by proclamation, submit  
20 the questions prescribed in sub. (1) at ~~a special~~ the next election authorized under  
21 s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held ~~at a time specified~~  
22 ~~therein and within 2 months~~ not sooner than 45 days after such petition is filed. The  
23 election upon such question shall be conducted, the vote canvassed, and the result  
24 declared in the same manner<sup>f</sup> as provided by law for other city elections.

25 **SECTION 20.** 66.0101 (8) of the statutes is amended to read:

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1           66.0101 (8) A charter ordinance enacted or approved by a vote of the electors  
2 controls over any prior or subsequent act of the legislative body of the city or village.  
3 If the electors of any city or village by a majority vote have adopted or determined  
4 to continue to operate under either ch. 62 or 64, or have determined the method of  
5 selection of members of the governing board, the question shall not again be  
6 submitted to the electors, nor action taken on the question, within a period of 2 years.  
7 Any election to change or amend the charter of any city or village, other than ~~a~~  
8 ~~special an~~ election as ~~provided in~~ called under s. 9.20 (4), shall be held at the time  
9 provided by statute for holding the spring election.

10           **SECTION 21.** 66.0217 (7) (a) 3. of the statutes is amended to read:

11           66.0217 (7) (a) 3. If the notice indicates that the petition is for a referendum  
12 on the question of annexation, the clerk of the city or village shall file the notice as  
13 provided in s. 8.37. If the notice indicates that the petition is for a referendum on the  
14 question of annexation, the town clerk shall give notice as provided in par. (c) of a  
15 referendum of the electors residing in the area proposed for annexation to be held at  
16 the next election permitted under s. 8.065 (2) or an election authorized under s. 8.065  
17 (3), but not less than 42 days nor more than 72 days after the date of personal service  
18 or mailing of the notice required under this paragraph. If the notice indicates that  
19 the petition is for direct annexation, no referendum shall be held unless within 30  
20 days after the date of personal service or mailing of the notice required under this  
21 paragraph, a petition conforming to the requirements of s. 8.40 requesting a  
22 referendum is filed with the town clerk as provided in s. 8.37, signed by at least 20%  
23 of the electors residing in the area proposed to be annexed. If a petition requesting  
24 a referendum is filed, the clerk shall give notice as provided in par. (c) of a referendum  
25 of the electors residing in the area proposed for annexation to be held at the next

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1 election permitted under s. 8.065 (2) or an election authorized under s. 8.065 (3), but  
2 not less than 42 days ~~nor more than 72 days~~ after the receipt of the petition and shall  
3 mail a copy of the notice to the clerk of the city or village to which the annexation is  
4 proposed. The referendum shall be held at a convenient place within the town to be  
5 specified in the notice.

6 **SECTION 22.** 66.0219 (4) (b) of the statutes is amended to read:

7 66.0219 (4) (b) The referendum election shall be held at the next election  
8 permitted under s. 8.065 (2) or an election authorized under s. 8.065 (3), but not less  
9 than 42 days ~~nor more than 72 days~~ after the filing of the order as provided in s. 8.37,  
10 in the territory proposed for annexation, by the electors of that territory as provided  
11 in s. 66.0217 (7), so far as applicable. The ballots shall contain the words “For  
12 Annexation” and “Against Annexation”. The certification of the election inspectors  
13 shall be filed with the clerk of the court, and the clerk of any municipality involved,  
14 but need not be filed or recorded with the register of deeds.

15 **SECTION 23.** 66.0227 (3) of the statutes is amended to read:

16 66.0227 (3) The governing body of a city, village or town involved may, or if a  
17 petition conforming to the requirements of s. 8.40 signed by a number of qualified  
18 electors equal to at least 5% of the votes cast for governor in the city, village or town  
19 at the last gubernatorial election, demanding a referendum, is presented to it within  
20 30 days after the passage of either of the ordinances under sub. (2) shall, submit the  
21 question to the electors of the city, village or town whose electors petitioned for  
22 detachment, at a referendum election ~~called for that purpose~~ held at the next election  
23 permitted under s. 8.065 (2) or an election authorized under s. 8.065 (3) but not less  
24 than 42 days ~~nor more than 72 days~~ after the filing of the petition, or after the  
25 enactment of either ordinance. The petition shall be filed as provided in s. 8.37. If

**BILL**

1 a number of electors cannot be determined on the basis of reported election statistics,  
 2 the number shall be determined in accordance with s. 60.74 (6). The governing body  
 3 of the municipality shall appoint 3 election inspectors who are resident electors to  
 4 supervise the referendum. The ballots shall contain the words "For Detachment"  
 5 and "Against Detachment". The inspectors shall certify the results of the election by  
 6 their attached affidavits and file a copy with the clerk of each town, village or city  
 7 involved, and none of the ordinances may take effect nor be in force unless a majority  
 8 of the electors approve the question. The referendum election shall be conducted in  
 9 accordance with chs. 6 and 7 to the extent applicable.

10 **SECTION 24.** 66.0619 (2m) (b) of the statutes is amended to read:

11 66.0619 (2m) (b) If a referendum is to be held on a resolution, the municipal  
 12 governing body shall file the resolution as provided in s. 8.37 and shall direct the  
 13 municipal clerk to call a special election for the purpose of submitting submit the  
 14 resolution to the electors for approval of the electors at a referendum ~~on approval or~~  
 15 ~~rejection.~~ In lieu of a special election, the municipal governing body may specify that  
 16 ~~the election be held at the next succeeding spring primary or election or September~~  
 17 ~~primary or general election~~ called in accordance with s. 8.065.

18 **SECTION 25.** 66.0815 (1) (c) of the statutes is amended to read:

19 66.0815 (1) (c) An ordinance under sub. (1) may not take effect until 60 days  
 20 after passage and publication unless sooner approved by a referendum. Within the  
 21 60-day period electors equal in number to 20% of those voting at the last regular  
 22 municipal election ~~may~~ <sup>for</sup> file a petition requesting a referendum. The petition shall  
 23 be in writing and filed with the clerk ~~and~~ as provided in s. 8.37. The petition shall  
 24 conform to the requirements of s. 8.40 ~~, except that each signer shall also state~~ <sup>her</sup>  
 25 and signatures shall be verified by the affidavit of an elector. The referendum shall

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**BILL**

1 be held at the next ~~regular municipal election, or at a special election within 90 days~~  
2 of the authorized under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be  
3 held not sooner than 45 days after filing of the petition. The ordinance may not take  
4 effect unless approved by a majority of the votes cast. This paragraph does not apply  
5 to extensions by a utility previously franchised by the village, city or town.

6 **SECTION 26.** 66.0921 (2) of the statutes is amended to read:

7 66.0921 (2) FACILITIES AUTHORIZED. A municipality may enter into a joint  
8 contract with a nonprofit corporation organized for civic purposes and located in the  
9 municipality to construct or otherwise acquire, equip, furnish, operate and maintain  
10 a facility to be used for municipal and civic activities if a majority of the voters voting  
11 in a referendum at a ~~special election or at a spring primary or election or September~~  
12 ~~primary or general~~ an election authorized under s. 8.065 approve the question of  
13 entering into the joint contract.

14 **SECTION 27.** 66.1103 (10) (d) of the statutes is amended to read:

15 66.1103 (10) (d) The governing body may issue bonds under this section  
16 without submitting the proposition to the electors of the municipality for approval  
17 unless within 30 days from the date of publication of notice of adoption of the initial  
18 resolution for the bonds, a petition conforming to the requirements of s. 8.40, and  
19 signed by a number of electors of the municipality equal to not less than 5% of the  
20 registered electors of the municipality, or, if there is no registration of electors in the  
21 municipality, by 10% of the number of electors of the municipality voting for the office  
22 of governor at the last general election as determined under s. 115.01 (13), is filed  
23 with the clerk of the municipality and as provided in s. 8.37 requesting a referendum  
24 upon the question of the issuance of the bonds. If such a petition is filed, the bonds  
25 may not be issued until approved by a majority of the electors of the municipality

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1 voting on the referendum at a ~~general or special election~~ referendum called in  
2 accordance with s. 8.065.

3 **SECTION 28.** 67.05 (4) and (5) of the statutes are amended to read:

4 67.05 (4) PERMISSIVE REFERENDUM IN COUNTIES. If a county board adopts an  
5 initial resolution for an issue of county bonds to provide for the original construction  
6 or for the improvement and maintenance of highways, to provide railroad aid, or to  
7 construct, acquire or maintain, or to aid in constructing, acquiring or maintaining  
8 a bridge over or across any stream or other body of water bordering upon or  
9 intersecting any part of the county, the county clerk is not required to submit the  
10 resolution for approval to the electors of the county at a ~~special election~~ referendum  
11 unless within 30 days after the adoption thereof there is filed with the clerk a petition  
12 conforming to the requirements of s. 8.40 and requesting such submission, signed by  
13 electors numbering at least 10% of the votes cast in the county for governor at the  
14 last general election. If a petition is filed, the question submitted shall be whether  
15 the resolution shall be or shall not be approved. No such resolution of a county board  
16 other than those specified in this subsection need be submitted to county electors,  
17 except as provided otherwise in sub. (7).

18 (5) REFERENDUM IN TOWNS, VILLAGES AND CITIES. (a) Whenever an initial  
19 resolution has been so adopted by the governing body of a town, the clerk of the  
20 municipality shall immediately record the resolution and call a ~~special election~~  
21 referendum in accordance with s. 8.065 for the purpose of submitting the resolution  
22 to the electors of the municipality for approval. This paragraph does not apply to  
23 bonds issued to finance low-interest mortgage loans under s. 62.237, unless a  
24 number of electors equal to at least 15% of the votes cast for governor at the last  
25 general election in their town sign and file a petition conforming to the requirements

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1 of s. 8.40 with the town clerk requesting submission of the resolution. Whenever a  
2 number of electors cannot be determined on the basis of reported statistics, the  
3 number shall be determined in accordance with s. 60.74 (6). If a petition is filed, the  
4 question submitted shall be whether the resolution shall or shall not be approved.  
5 This paragraph is limited in its scope by sub. (7).

6 (b) No city or village may issue bonds for any purposes other than for water  
7 systems, lighting works, gas works, bridges, street lighting, street improvements,  
8 street improvement funding, hospitals, airports, harbor improvements, river  
9 improvements, breakwaters and protection piers, sewerage, garbage disposal,  
10 rubbish or refuse disposal, any combination of sewage, garbage or refuse or rubbish  
11 disposal, parks and public grounds, swimming pools and band shells, veterans  
12 housing projects, paying the municipality's portion of the cost of abolishing grade  
13 crossings, for the construction of police facilities and combined fire and police safety  
14 buildings, for the purchase of sites for engine houses, for fire engines and other  
15 equipment of the fire department, for construction of engine houses, and for pumps,  
16 water mains, reservoirs and all other reasonable facilities for fire protection  
17 apparatus or equipment for fire protection, for parking lots or other parking  
18 facilities, for school purposes, for libraries, for buildings for the housing of machinery  
19 and equipment, for acquiring and developing sites for industry and commerce as will  
20 expand the municipal tax base, for financing the cost of low-interest mortgage loans  
21 under s. 62.237, for providing financial assistance to blight elimination, slum  
22 clearance, community development, redevelopment and urban renewal programs  
23 and projects under ss. 66.1105, 66.1301 to 66.1329 and 66.1331 to 66.1337 or for  
24 University of Wisconsin System college campuses, as defined in s. 36.05 (6m), until  
25 the proposition for their issue for the special purpose has been submitted to the

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1 electors of the city or village and adopted by a majority vote. Except as provided  
2 under sub. (15), if the common council of any city or the village board of a village  
3 declares its purpose to raise money by issuing bonds for any purpose other than those  
4 specified in this subsection, it shall direct by resolution, which shall be recorded at  
5 length in the record of its proceedings, the clerk to call a special election referendum  
6 in accordance with s. 8.065 for the purpose of submitting the question of bonding to  
7 the city or village electors. If a number of electors of a city or village equal to at least  
8 15% of the votes cast for governor at the last general election in their city or village  
9 sign and file a petition conforming to the requirements of s. 8.40 with the city or  
10 village clerk requesting submission of the resolution, the city or village may not issue  
11 bonds for financing the cost of low-interest mortgage loans under s. 62.237 ~~without~~  
12 ~~calling a special election to submit the question of bonding to~~ unless the issuance is  
13 approved by the city or village electors for their approval at a referendum called in  
14 accordance with s. 8.065.

15 **SECTION 29.** 67.05 (6a) (a) 2. a. of the statutes is amended to read:

16 67.05 (6a) (a) 2. a. Direct the school district clerk to call a special election  
17 referendum in accordance with s. 8.065 (2) or an election authorized under s. 8.065  
18 (3) for the purpose of submitting the resolution to the electors for approval or  
19 rejection, ~~or direct that the resolution be submitted at the next regularly scheduled~~  
20 ~~primary or election~~ permitted under s. 8.065 (2) or an election authorized under s.  
21 8.065 (3) to be held not earlier than 45 days after the adoption of the resolution. The  
22 resolution shall not be effective unless adopted by a majority of the school district  
23 electors voting at the referendum.

24 **SECTION 30.** 67.05 (6m) (b) of the statutes is amended to read:

**BILL****SECTION 30**

1           67.05 **(6m)** (b) If a referendum is to be held on an initial resolution, the district  
2 board shall direct the technical college district secretary to call a ~~special election~~  
3 referendum in accordance with s. 8.065 for the purpose of submitting the initial  
4 resolution to the electors for ~~a referendum on approval or rejection. In lieu of a~~  
5 ~~special election, the district board may specify that the election be held at the next~~  
6 ~~succeeding spring primary or election or September primary or general election.~~

7           **SECTION 31.** 67.10 (5) (b) of the statutes is amended to read:

8           67.10 **(5)** (b) Any city having ~~voted~~ approved the issuance of bonds at a ~~special~~  
9 ~~referendum election~~ held in accordance with s. 8.065 and having sold a portion  
10 thereof may negotiate, sell or otherwise dispose of the same in the manner provided  
11 by statute within 9 years of the date of the election voting the same.

12           **SECTION 32.** 67.12 (12) (e) 5. of the statutes is amended to read:

13           67.12 **(12)** (e) 5. Within 10 days of the adoption by a technical college district  
14 board of a resolution under subd. 1. to issue a promissory note for a purpose under  
15 s. 38.16 (2), the secretary of the district board shall publish a notice of such adoption  
16 as a class 1 notice, under ch. 985. The notice need not set forth the full contents of  
17 the resolution, but shall state the amount proposed to be borrowed, the method of  
18 borrowing, the purpose thereof, that the resolution was adopted under this  
19 subsection and the place where and the hours during which the resolution is  
20 available for public inspection. If the amount proposed to be borrowed is for building  
21 remodeling or improvement and does not exceed \$500,000 or is for movable  
22 equipment, the district board need not submit the resolution to the electors for  
23 approval unless, within 30 days after the publication or posting, a petition  
24 conforming to the requirements of s. 8.40 is filed with the secretary of the district  
25 board requesting a referendum at a ~~special election~~ to be called for that purpose.

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1 Such petition shall be signed by electors from each county lying wholly or partially  
2 within the district. The number of electors from each county shall equal at least 1.5%  
3 of the population of the county as determined under s. 16.96 (2) (c). If a county lies  
4 in more than one district, the technical college system board shall apportion the  
5 county's population as determined under s. 16.96 (2) (c) to the districts involved and  
6 the petition shall be signed by electors equal to the appropriate percentage of the  
7 apportioned population. ~~In lieu of a special election, the district board may specify~~  
8 ~~that the referendum shall be held at the next succeeding spring primary or election~~  
9 ~~or September primary or general election.~~ Any resolution to borrow amounts of  
10 money in excess of \$500,000 for building remodeling or improvement shall be  
11 submitted to the electors of the district for approval. Any referendum under this  
12 subdivision shall be called at the next election authorized under s. 8.065 (2) or an  
13 election authorized under s. 8.065 (3) occurring not sooner than 45 days after filing  
14 of a petition or adoption of a resolution requiring the referendum. If a referendum  
15 is held or required under this subdivision, no promissory note may be issued until  
16 the issuance is approved by a majority of the district electors voting at such  
17 referendum. The referendum shall be noticed, called and conducted under s. 67.05  
18 (6a) insofar as applicable, except that the notice of ~~special election~~ referendum and  
19 ballot need not embody a copy of the resolution and the question which shall appear  
20 on the ballot shall be "Shall ... (name of district) be authorized to borrow the sum of  
21 \$... for (state purpose) by issuing its general obligation promissory note (or notes)  
22 under section 67.12 (12) of the Wisconsin Statutes?".

23 **SECTION 33.** 81.01 (3) (b) (intro.) of the statutes is amended to read:

24 81.01 (3) (b) (intro.) The town board by resolution submits to the electors of the  
25 town as a referendum at ~~a general or special town~~ an election authorized under s.

**BILL****SECTION 33**

1 8.065 the question of exceeding the \$10,000 limit set under this subsection. A copy  
2 of the resolution shall be filed as provided in s. 8.37. The board shall abide by the  
3 majority vote of the electors of the town on the question. The question shall read as  
4 follows:

5 **SECTION 34.** 86.21 (2) (a) of the statutes is amended to read:

6 86.21 (2) (a) Before any such toll bridge is constructed or acquired under this  
7 section, a resolution authorizing the construction or acquisition thereof, and  
8 specifying the method of payment therefor, shall be adopted by a majority of the  
9 members of the governing body of such county, town, village or city at a regular  
10 meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The  
11 resolution shall include a general description of the property it is proposed to acquire  
12 or construct. Any county, town, village or city constructing or acquiring a toll bridge  
13 under this section may provide for the payment of the same or any part thereof from  
14 the general fund, from taxation, or from the proceeds of either municipal bonds,  
15 revenue bonds or as otherwise provided by law. Such resolution shall not be effective  
16 until 15 days after its passage and publication. If within said 15 days a petition  
17 conforming to the requirements of s. 8.40 is filed with the clerk of such municipality,  
18 and filed as provided in s. 8.37, signed by at least 20% of the electors thereof  
19 requesting that the question of acquiring such toll bridge be submitted to the said  
20 electors, such question shall be submitted at ~~any general or regular municipal~~ the  
21 next election authorized under s. 8.065 (2) or an election authorized under s. 8.065  
22 (3) that is held not sooner than 42 days from the date of filing such petition. ~~In case~~  
23 ~~no such general or regular municipal election is to be held within such stated period,~~  
24 ~~then the governing body of such municipality shall order a special election to be held~~  
25 ~~within 30 days from the filing of such petition upon the question of whether such toll~~

**BILL**

1 bridge shall be acquired by said municipality. The question submitted to the electors  
2 shall specify the method of payment for such toll bridge as provided in the resolution  
3 for the acquisition thereof. If no such petition is filed, or if the majority of votes cast  
4 at such referendum election are in favor of the acquisition of such toll bridge, then  
5 the resolution of the governing body for the acquisition of such toll bridge shall be in  
6 effect.

7 **SECTION 35.** 117.20 of the statutes is amended to read:

8 **117.20 Referendum procedures.** (1) If a referendum is required under ss.  
9 117.08 to 117.11, it shall be held on the Tuesday after the first Monday in November  
10 occurring not sooner than 45 days following receipt of the petition or adoption of the  
11 resolution under s. 117.08 (3) (a), 117.09 (3) (a), 117.10 (3) (a) or 117.11 (4) (a). If a  
12 referendum is required under s. 117.105, it shall be held on the Tuesday after the first  
13 Monday in the 2nd November occurring not sooner than 45 days following receipt of  
14 the petition or adoption of the resolution under s. 117.105 (1).

15 (2) The clerk of each affected school district shall publish notice, as required  
16 under s. ~~8.55~~ 10.06 (4), in the territory of that school district. The procedures for  
17 school board elections under s. 120.06 (5), (9), (11), (13) and (14) apply to a  
18 referendum held under this section. The school board and school district clerk of each  
19 affected school district shall each perform, for that school district, the functions  
20 assigned to the school board and the school district clerk, respectively, under those  
21 subsections. The form of the ballot shall correspond to the form prescribed by the  
22 elections board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected school  
23 district shall file with the secretary of the board a certified statement prepared by  
24 the school district board of canvassers of the results of the referendum in that school  
25 district.

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1           **SECTION 36.** 119.48 (4) (b) and (c) of the statutes are amended to read:

2           119.48 (4) (b) The communication shall state the purposes for which the funds  
3 from the increase in the levy rate will be used and shall request the common council  
4 to submit to the voters of the city the question of exceeding the levy rate specified in  
5 s. 65.07 (1) (f) at ~~the September election or a special~~ an election authorized under s.  
6 8.065.

7           (c) Upon receipt of the communication, the common council shall file the  
8 communication as provided in s. 8.37 and shall cause the question of exceeding the  
9 levy rate specified under s. 65.07 (1) (f) to be submitted to the voters of the city at the  
10 ~~September election or at a special~~ next election authorized under s. 8.065 (2) or an  
11 election authorized under s. 8.065 (3) to be held not sooner than 45 days after receipt  
12 of the communication. The question of exceeding the levy rate specified under s.  
13 65.07 (1) (f) shall be submitted so that the vote upon exceeding the levy rate specified  
14 in s. 65.07 (1) (f) is taken separately from any other question submitted to the voters.  
15 If a majority of the electors voting on the question favors exceeding the levy rate  
16 specified under s. 65.07 (1) (f), the common council shall approve the increase in the  
17 levy rate and shall levy and collect a tax equal to the amount of money approved by  
18 the electors.

19           **SECTION 37.** 119.49 (1) (b) and (2) of the statutes are amended to read:

20           119.49 (1) (b) The communication shall state the amount of funds needed under  
21 par. (a) and the purposes for which the funds will be used and shall request the  
22 common council to submit to the voters of the city at the next election authorized  
23 under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held in the city  
24 not sooner than 45 days after receipt of the communication the question of issuing  
25 school bonds in the amount and for the purposes stated in the communication.

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1           (2) Upon receipt of the communication, the common council shall file the  
2 communication as provided in s. 8.37 and shall cause the question of issuing such  
3 school bonds in the stated amount and for the stated school purposes to be submitted  
4 to the voters of the city at the next election ~~held in the city~~ authorized under s. 8.065  
5 (2) or an election authorized under s. 8.065 (3) that occurs not sooner than 45 days  
6 after the date of receipt of the communication. The question of issuing such school  
7 bonds shall be submitted so that the vote upon issuing such school bonds is taken  
8 separately from any other question submitted to the voters. If a majority of the  
9 electors voting on the school bond question favors issuing such school bonds, the  
10 common council shall cause the school bonds to be issued immediately or within the  
11 period permitted by law, in the amount requested by the board and in the manner  
12 other bonds are issued.

13           **SECTION 38.** 121.91 (3) (a) of the statutes is amended to read:

14           121.91 (3) (a) If a school board wishes to exceed the limit under sub. (2m)  
15 otherwise applicable to the school district in any school year, it shall promptly adopt  
16 a resolution supporting inclusion in the final school district budget of an amount  
17 equal to the proposed excess revenue. The resolution shall specify whether the  
18 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the  
19 proposed excess revenue is for both recurring and nonrecurring purposes, the  
20 amount of the proposed excess revenue for each purpose. The resolution shall be filed  
21 as provided in s. 8.37. Within 10 days after adopting the resolution, the school board  
22 shall notify the department of the scheduled date of the referendum and submit a  
23 copy of the resolution to the department. The school board shall call a ~~special~~  
24 referendum in accordance with s. 8.065 for the purpose of submitting the resolution  
25 to the electors of the school district for approval or rejection. ~~In lieu of a special~~

**BILL****SECTION 38**

1 ~~referendum, the school board may specify that the referendum be held at the next~~  
2 ~~succeeding spring primary or election or September primary or general election, if~~  
3 ~~such election is,~~ to be held not sooner than 42 days after the filing of the resolution  
4 of the school board. The school district clerk shall certify the results of the  
5 referendum to the department within 10 days after the referendum is held.

6 **SECTION 39.** 197.04 (1) (b) and (2) of the statutes are amended to read:

7 197.04 (1) (b) If within either of the 90-day periods described in par. (a) a  
8 petition conforming to the requirements of s. 8.40 is filed with the clerk of the  
9 municipality as provided in s. 8.37 and the petition has been signed by 5% of the  
10 electors of a 1st class city or by 10% of the electors of all other municipalities  
11 requesting that the question of discontinuing the proceeding to acquire the plant or  
12 equipment of the public utility be submitted to the electors of the municipality, the  
13 applicable question under par. (c) shall be submitted to the electors at ~~any general~~  
14 ~~or regular municipal~~ the succeeding election authorized under s. 8.065 (2) or an  
15 election authorized under s. 8.065 (3) that is held not less than 42 and not more than  
16 47 days from the date of the filing of the petition. ~~If no general election or regular~~  
17 ~~municipal election is to be held within the stated periods, the governing body of the~~  
18 ~~municipality shall order the holding of a special election, to be held not less than 42~~  
19 ~~days from the date of filing of the petition, for the purpose of submitting the question~~  
20 ~~to the electors.~~

21 (2) The governing body of the municipality may provide for notice of, the  
22 manner of holding, the method of voting on, the method of making returns of, and  
23 the method of canvassing and determining the result of, the election required under  
24 sub. (1). Notice of the election to the electors shall be given by a brief notice of that  
25 fact once a week for 3 weeks in some newspaper of general circulation published in

**BILL**

1 the municipality. If no newspaper of general circulation is published in the  
2 municipality, publication may be made in any newspaper of general circulation in the  
3 county seat of the county in which the municipality is located. ~~The notice of holding~~  
4 ~~any special election shall be incorporated as a part of the notice given under this~~  
5 ~~subsection.~~

6 **SECTION 40.** 197.10 (2) of the statutes is amended to read:

7 197.10 (2) Such contract when adopted by the common council of said city and  
8 accepted by the owner or owners of such public utility shall be submitted to the public  
9 service commission for its approval and upon such approval the same shall be filed  
10 as provided in s. 8.37 and submitted in such manner as the common council shall  
11 determine to a vote of the electors of such city at the next ~~regular municipal election~~  
12 ~~or at a special election called for that purpose~~ authorized under s. 8.065 (2) or an  
13 election authorized under s. 8.065 (3) to be held not sooner than 45 days after  
14 approval of the commission, and such contract shall not become binding upon such  
15 city until approved by a majority vote of the qualified electors of such city voting  
16 thereon. No bonds shall in any case be issued by said city under the contract or  
17 contracts mentioned in sub. (1), until the proposition of their issue shall have been  
18 submitted to the people of such city and adopted by a majority of the electors voting  
19 thereon.

20 **SECTION 41.** 198.19 (1) of the statutes is amended to read:

21 198.19 (1) Any territory, constituting one or more municipalities contiguous to  
22 a district may be annexed to and become a part of such district to all intents and  
23 purposes and with like effect as though originally included therein upon such terms  
24 and conditions as the board of directors of the district shall fix by ordinance adopted  
25 by the affirmative vote of two-thirds of the directors-elect, provided that before such

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1 ordinance becomes effective the same shall be accepted and ratified by the  
2 affirmative vote of a majority of the qualified electors entitled to vote and voting in  
3 a ~~special election~~ referendum called and held for that purpose, in accordance with  
4 s. 8.065, in each municipality proposed in such ordinance to be annexed to the  
5 district. Such ordinance shall be published and such election shall be noticed, held  
6 and conducted, as nearly as may be, in the manner provided by this chapter for the  
7 noticing, holding and conduct of elections upon the organization of a municipal power  
8 district, except that the returns of such election and the ballots therein shall be  
9 delivered to the clerk of the district. The results of said election shall be canvassed  
10 publicly by the directors of the district.

**SECTION 42. Initial applicability.**

11  
12 (1) This act first applies with respect to referenda called on the effective date  
13 of this subsection.

14 (END)



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

January 10, 2001

### MEMORANDUM

To: Representative Skindrud

From: Jeffery T. Kuesel, Managing Attorney

Re: LRB-1520 Dates and subjects of referenda

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-6778 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.