

## 2005 DRAFTING REQUEST

### Bill

Received: 02/24/2005

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Terry Musser (608) 266-7461**

By/Representing: **Marlene Reineking**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - miscellaneous**

Extra Copies: **PG - 1**

Submit via email: **YES**

Requester's email: **Rep.Musser@legis.state.wi.us**

Carbon copy (CC:) to:

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### Pre Topic:

No specific pre topic given

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### Topic:

Popular election of technical college district boards

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### Instructions:

Per attached.

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 06/23/2005	csicilia 06/28/2005		_____			S&L
/1			pgreensl 06/28/2005	_____	sbasford 06/28/2005	mbarman 07/13/2005	
				_____	<del>mbarman</del> 06/28/2005		
				_____	mbarman		
				_____	07/13/2005		

FE Sent For:

<END>

AT  
11/17/02

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/1			pgreensl 06/28/2005	_____	sbasford 06/28/2005 mbarman 06/28/2005 mbarman 07/13/2005		

re-submitted  
(e-mail only)

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<END>

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By/Representing: **Marlene Reineking**

This file may be shown to any legislator: **NO**

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May Contact:

Addl. Drafters:

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Extra Copies: **PG - 1**

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/1			pgreensl 06/28/2005	_____	sbasford 06/28/2005		

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<END>

DRAFT

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Received By: jkuesel

Wanted: As time permits

Identical to LRB:

For: Terry Musser (608) 266-7461

By/Representing: Marlene Reineking

This file may be shown to any legislator: NO

Drafter: jkuesel

May Contact:

Addl. Drafters:

Subject: Elections - miscellaneous

Extra Copies: PG - 1

Submit via email: YES

Requester's email: Rep.Musser@legis.state.wi.us

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Popular election of technical college district boards

**Instructions:**

Per attached.

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1? / 1	jkuesel 6/23/05	1 cis 6/27 05	6/27 P8	6/27 P8			

FE Sent For:

<END>

**Kuesel, Jeffery**

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**From:** Grant, Peter  
**Sent:** Thursday, February 24, 2005 11:39 AM  
**To:** Kuesel, Jeffery  
**Subject:** Drafting request

Marlene Reineking from Rep. Musser's called with a drafting request. Rep. Musser would like a bill providing for the election of technical college district board members to three-year terms. I told her you'd call her if you had questions.

Peter

03-2776

DN0781

2005

2003 - 2004 LEGISLATURE

Wanted Re 6/28

-2272/1

LRB-2776/T

JTK:wj:pg

2003 BILL

SA 05 ✓  
SA 03 ✓  
Stat compare ✓  
SA ✓

Regercat

1 AN ACT *to repeal* 38.04 (15), 38.08 (1g), (2) and (2m) and 38.10; *to renumber* 5.60  
2 (1) (a); *to amend* 5.02 (3), (5) and (23), 5.58 (3), 5.60 (1) (title), 5.60 (1) (b), 7.60  
3 (4) (a) and (5) (a), 7.70 (3) (d), 9.10 (1) (a), 9.10 (2) (b), 9.10 (3) (a), 9.10 (4) (a),  
4 (d) and (7), 11.26 (1) (c), 11.26 (2) (c), 11.31 (1) (f), 11.31 (1) (g) (intro.) and 38.08  
5 (1) (b); *to repeal and recreate* 11.31 (1) (f), 17.27 (3) and 38.08 (1) (a); *to create*  
6 5.58 (2s), 5.60 (1) (ag), 7.70 (6), 8.10 (3) (ae), 8.11 (6), 17.01 (10m), 17.02 (2), 17.17  
7 (2), 38.06 (6), 38.08 (1) (c) and 38.08 (6) of the statutes; and *to affect* 2001  
8 Wisconsin Act 109, section 9115 (2y) (b); **relating to:** popular election of  
9 technical college district boards, providing an exemption from and extending  
10 the time limit for emergency rule procedures and granting rule-making  
11 authority.

**Analysis by the Legislative Reference Bureau**

Currently, the technical college system is managed on the local level by district boards consisting of nine members in each of the state's 16 technical college districts. The members of the technical college district board for each district are appointed by an appointment committee consisting of local elected officials in accordance with

**BILL**

2007

a representation plan based upon population distribution within the district, including distribution of women and minorities. All members must be residents of the district. Two members must be employers and two members must be employees. One member must be a school district administrator of a school district that lies within the technical college district. All members serve for three-year terms.

of district boards

This bill provides for the election of all members of district boards from election districts within each technical college district on a nonpartisan ballot at the spring election. Each member must be an elector of the election district from which he or she is elected. Terms are changed to four years. Under the bill, current district board members serve until July 1, 2005, at which time district board members who are elected at the 2005 spring election take office. The terms of the members are staggered so that at least two are elected every year. Nomination paper signature requirements, contribution limits, and spending guidelines are the same as for the office of representative to the assembly. Candidates for the district board are not eligible to receive public grants to finance their campaigns.

2007

For further information see the *state and 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:***

1 SECTION 1. 5.02 (3), (5) and (23) of the statutes are amended to read:

2 5.02 (3) "Educational officer" means the state superintendent, a member of a  
3 technical college district board, and a school board members member. ✓

4 (5) "General election" means the election held in even-numbered years on the  
5 Tuesday after the first Monday in November to elect United States senators,  
6 representatives in congress, presidential electors, state senators, representatives to  
7 the assembly, district attorneys, state officers other than the state superintendent,  
8 members of the technical college district boards, and judicial officers, and county  
9 officers other than supervisors and county executives. ✓

10 (23) "State office" means the offices of governor, lieutenant governor, secretary  
11 of state, state treasurer, attorney general, state superintendent, justice of the  
12 supreme court, court of appeals judge, circuit court judge, state senator, state

**BILL**

1 representative to the assembly ~~and~~, district attorney, and member of a technical  
2 college district board.

3 **SECTION 2.** 5.58 (2s) of the statutes is created to read:

4 5.58 (2s) TECHNICAL COLLEGE DISTRICT BOARD. When required, there shall be a  
5 separate ballot for member of a technical college district board. Arrangement of the  
6 names on the ballot shall be determined by the elections board under s. 5.60 (1) (b).  
7 The ballot shall be titled "Official Primary Ballot for .... (name of district) Technical  
8 College District Board."

9 **SECTION 3.** 5.58 (3) of the statutes is amended to read:

10 5.58 (3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent,  
11 for any judicial office, for any elected seat on a metropolitan sewerage commission  
12 or town sanitary district commission, for member of a technical college district board  
13 from any election district, in counties having a population of 500,000 or more only  
14 2 candidates for member of the board of supervisors within each district, in counties  
15 having a population of less than 500,000 only 2 candidates for each member of the  
16 county board of supervisors from each district or numbered seat or only 4 candidates  
17 for each 2 members of the county board of supervisors from each district whenever  
18 2 supervisors are elected to unnumbered seats from the same district, in 1st class  
19 cities only 2 candidates for any at-large seat and only 2 candidates from any election  
20 district to be elected to the board of school directors, in school districts electing school  
21 board members to numbered seats, or pursuant to an apportionment plan or district  
22 representation plan, only 2 school board candidates for each numbered seat or within  
23 each district, and twice as many candidates as are to be elected members of other  
24 school boards or other elective officers receiving the highest number of votes at the

**BILL**

1 primary shall be nominees for the office at the spring election. Only their names  
2 shall appear on the official spring ballot.

3 **SECTION 4.** 5.60 (1) (title) of the statutes is amended to read:

4 5.60 (1) (title) ~~STATE SUPERINTENDENT~~ NONPARTISAN STATE OFFICERS; JUDICIARY;  
5 COUNTY EXECUTIVE AND COUNTY SUPERVISORS SUPERVISOR.

6 **SECTION 5.** 5.60 (1) (a) of the statutes is renumbered 5.60 (1) (am). ↑

7 **SECTION 6.** 5.60 (1) (ag) of the statutes is created to read:

8 5.60 (1) (ag) There shall be a separate ballot for the seat of each member of the  
9 technical college district board in the election district when so required. The elections  
10 board shall determine the official ballot arrangement for technical college district  
11 board candidates by using the same method as that used under par. (b).

12 **SECTION 7.** 5.60 (1) (b) of the statutes is amended to read:

13 5.60 (1) (b) The board shall certify the candidates' names and designate the  
14 official ballot arrangement for candidates for state superintendent, justice, court of  
15 appeals judge, member of a technical college district board, circuit judge and, if  
16 commissioners are elected under s. 200.09 (11) (am), the metropolitan sewerage  
17 commission. The arrangement of names of all candidates on the ballot whose  
18 nomination papers are filed with the board shall be determined by the board by the  
19 drawing of lots not later than the 2nd Tuesday in January, or the next day if the first  
20 Tuesday is a holiday. Whenever a primary is held for an office, a 2nd drawing of all  
21 candidates for that office shall be held by or under the supervision of the board not  
22 later than the 3rd day following the completion of the primary canvass to determine  
23 the arrangement of candidates on the election ballot.

24 **SECTION 8.** 7.60 (4) (a) and (5) (a) of the statutes are amended to read:

**BILL**

1           7.60 (4) (a) The board of canvassers shall make separate duplicate statements  
2 showing the numbers of votes cast for the offices of president and vice president; state  
3 officials; U.S. senators and representatives in congress; state legislators; justice;  
4 court of appeals judge; members of the technical college district boards; circuit  
5 judges; district attorneys; and metropolitan sewerage commissioners, if the  
6 commissioners are elected under s. 200.09 (11) (am). If a municipal judge elected  
7 under s. 755.01 (4) serves a municipality that is located partially within the county  
8 and candidates for that judgeship file nomination papers in another county, the  
9 board of canvassers shall prepare a duplicate statement showing the numbers of  
10 votes cast for that judgeship in that county for transmittal to the other county. For  
11 partisan candidates, the statements shall include the political party or principle  
12 designation, if any, next to the name of each candidate. The board of canvassers shall  
13 also prepare a statement showing the results of any county, technical college district  
14 or statewide referendum. Each statement shall state the total number of votes cast  
15 in the county for each office; the names of all persons for whom the votes were cast,  
16 as returned; the number of votes cast for each person; and the number of votes cast  
17 for and against any question submitted at a referendum. The board of canvassers  
18 shall use one copy of each duplicate statement to report to the elections board,  
19 technical college district board or board of canvassers of any other county and shall  
20 file the other statement in the office of the county clerk or board of election  
21 commissioners.

22           (5) (a) Immediately following the canvass, the county clerk shall deliver or send  
23 to the elections board, by 1st class mail, a certified copy of each statement of the  
24 county board of canvassers for president and vice president, state officials, senators  
25 and representatives in congress, state legislators, justice, court of appeals judge,

**BILL**

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1 members of the technical college district boards, circuit judge, district attorney, and  
 2 metropolitan sewerage commissioners ~~commissioner~~, if the commissioners are  
 3 elected under s. 200.09 (11) (am). The statement shall record the returns for each  
 4 office or referendum by ward, unless combined returns are authorized under s. 5.15  
 5 (6) (b) in which case the statement shall record the returns for each group of  
 6 combined wards. Following primaries the county clerk shall enclose on forms  
 7 prescribed by the elections board the names, party or principle designation, if any,  
 8 and number of votes received by each candidate recorded in the same manner. The  
 9 county clerk shall deliver or transmit the certified statement to the elections board  
 10 no later than 7 days after each primary and no later than 10 days after any other  
 11 election. The board of canvassers shall deliver or transmit a certified copy of each  
 12 statement for any technical college district referendum to the secretary of the  
 13 technical college district board.

**SECTION 9.** 7.70 (3) (d) of the statutes is amended to read:

15 7.70 (3) (d) When the certified statements and returns are received, the  
 16 chairperson of the board or the chairperson's designee shall proceed to examine and  
 17 make a statement of the total number of votes cast at any election for the offices  
 18 involved in the election for president and vice president; a statement for each of the  
 19 offices of governor, lieutenant governor, if a primary, and a joint statement for the  
 20 offices of governor and lieutenant governor, if a general election; a statement for each  
 21 of the offices of secretary of state, state treasurer, attorney general, and state  
 22 superintendent; for U.S. senator; representative in congress for each congressional  
 23 district; the state legislature; justice; court of appeals judge; technical college district  
 24 board member; circuit judge; district attorney; metropolitan sewerage commission

STW

↑  
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**BILL**

1 ~~commissioner~~ if the commissioners are elected under s. 200.09 (11) (am); and for any  
2 referenda questions submitted by the legislature.

3 **SECTION 10.** 7.70 (6) of the statutes is created to read:

4 7.70 (6) TECHNICAL COLLEGE DISTRICT BOARD MEMBERS; DETERMINATIONS. The  
5 elections board shall transmit to the secretary of the district board a copy of the  
6 certified determination of the chairperson of the elections board or his or her  
7 designee for the election of each member of any technical college district board. ✓

8 **SECTION 11.** 8.10 (3) (ae) of the statutes is created to read:

9 8.10 (3) (ae) For the office of member of the technical college district board from  
10 any election district, not less than 200 nor more than 400 electors. ✓

11 **SECTION 12.** 8.11 (6) of the statutes is created to read:

12 8.11 (6) TECHNICAL COLLEGE DISTRICT BOARD MEMBERS. A primary shall be held  
13 in an election for ~~members of~~ any seat on a technical college district board whenever  
14 there are more than 2 candidates in any election district. ✓

15 **SECTION 13.** 9.10 (1) (a) of the statutes is amended to read:

16 9.10 (1) (a) The qualified electors of the state, of any county, city, village, town,  
17 of any congressional, legislative, judicial, technical college, or school district, or of  
18 any prosecutorial unit may petition for the recall of any incumbent elective official  
19 by filing a petition with the same official or agency with whom nomination papers  
20 or declarations of candidacy for the office are filed demanding the recall of the  
21 officeholder.

22 **SECTION 14.** 9.10 (2) (b) of the statutes is amended to read:

23 9.10 (2) (b) A recall petition for a city, village, town, technical college district,  
24 or school district office shall contain a statement of a reason for the recall which is  
25 related to the official responsibilities of the official for whom removal is sought.

**BILL**

1           **SECTION 15.** 9.10 (3) (a) of the statutes is amended to read:

2           9.10 **(3)** (a) This subsection applies to the recall of all elective officials other  
3 than city, village, town, technical college district, and school district officials. City,  
4 village, town, technical college district, and school district officials are recalled under  
5 sub. (4).

6           **SECTION 16.** 9.10 (4) (a), (d) and (7) of the statutes are amended to read:

7           9.10 **(4)** (a) Within 10 days after a petition for the recall of a city, village, town,  
8 technical college district, or school district official, is offered for filing, the officer  
9 against whom the petition is filed may file a written challenge with the ~~municipal~~  
10 ~~clerk or board of election commissioners or school district clerk official or agency~~ with  
11 whom it is filed, specifying any alleged insufficiency. If a challenge is filed, the  
12 petitioner may file a written rebuttal to the challenge with the ~~clerk or board of~~  
13 ~~election commissioners~~ official or agency within 5 days after the challenge is filed.  
14 If a rebuttal is filed, the officer against whom the petition is filed may file a reply to  
15 any new matter raised in the rebuttal within 2 days after the rebuttal is filed. Within  
16 14 days after the expiration of the time allowed for filing a reply to a rebuttal, the  
17 ~~clerk or board of election commissioners~~ official or agency shall file the certificate or  
18 an amended certificate. Within 31 days after the petition is offered for filing, the  
19 ~~clerk or board of election commissioners~~ official or agency shall determine by careful  
20 examination of the face of the petition whether the petition is sufficient and shall so  
21 state in a certificate attached to the petition. If the petition is found to be insufficient,  
22 the certificate shall state the particulars creating the insufficiency. The petition may  
23 be amended to correct any insufficiency within 5 days following the affixing of the  
24 original certificate. Within 2 days after the offering of the amended petition for filing,  
25 the ~~clerk or board of election commissioners~~ official or agency shall again carefully

**BILL**

1 examine the face of the petition to determine sufficiency and shall attach to the  
2 petition a certificate stating the findings. Immediately upon finding an original or  
3 amended petition sufficient, except in cities over 500,000 population and in technical  
4 college districts, the ~~municipal clerk or school district clerk~~ official shall transmit the  
5 petition to the governing body or to the school board. Immediately upon finding an  
6 original or amended petition sufficient, in cities over 500,000 population, the board  
7 of election commissioners shall file the petition in its office. Immediately upon  
8 finding an original or amended petition sufficient, in technical college districts, the  
9 elections board shall file the petition in its office.

10 (d) Promptly upon receipt of a certificate under par. (a), the governing body,  
11 school board, ~~or board of election commissioners,~~ or elections board shall call a recall  
12 election. The recall election shall be held on the Tuesday of the 6th week commencing  
13 after the date on which the certificate is filed, except that if Tuesday is a legal holiday  
14 the recall election shall be held on the first day after Tuesday which is not a legal  
15 holiday.

16 (7) PURPOSE. The purpose of this section is to facilitate the operation of article  
17 XIII, section 12, of the constitution and to extend the same rights to electors of cities,  
18 villages, towns, technical college districts, and school districts.

19 SECTION 17. 11.26 (1) (c) of the statutes is amended to read:

20 11.26 (1) (c) Candidates for representative to the assembly or member of a  
21 technical college district board, \$500. ✓

22 SECTION 18. 11.26 (2) (c) of the statutes is amended to read:

23 11.26 (2) (c) Candidates for representative to the assembly or member of a  
24 technical college district board, \$500. ✓

25 SECTION 19. 11.31 (1) (f) of the statutes is amended to read:

**BILL**

1           11.31 (1) (f) Candidates for representative to the assembly or member of a  
 2 technical college district board, \$17,250 total in the primary and election, with  
 3 disbursements not exceeding \$10,775 for either the primary or the election.

4           **SECTION 20.** 11.31 (1) (f) of the statutes, as affected by 2001 Wisconsin Act 109  
 5 and by ~~2003~~<sup>2005</sup> Wisconsin Act ... (this act), is repealed and recreated to read:

6           11.31 (1) (f) Candidates for representative to the assembly or member of a  
 7 technical college district board, \$50,000 total in the primary and election, with  
 8 disbursements not exceeding \$36,000 for either the primary or the election. ✓

9           **SECTION 21.** 11.31 (1) (g) (intro.) of the statutes is amended to read:

10           11.31 (1) (g) (intro.) In any jurisdiction or district, other than a technical college  
 11 district or judicial district or circuit, with a population of 500,000 or more according  
 12 to the most recent federal census covering the entire jurisdiction or district:

13           **SECTION 22.** 17.01 (10m) of the statutes is created to read:

14           17.01 (10m) By a member of a technical college district board, to the secretary  
 15 of the district board. ✓

16           **SECTION 23.** 17.02 (2) of the statutes is created to read:

17           17.02 (2) TECHNICAL COLLEGE DISTRICT BOARD. Of the resignation of a member  
 18 of a technical college district board, by the secretary of the district board to the  
 19 elections board.

20           **SECTION 24.** 17.17 (2) of the statutes is created to read:

21           17.17 (2) TECHNICAL COLLEGE DISTRICT BOARD. In the office of member of a  
 22 technical college district board, by the secretary of the district board to the elections  
 23 board. ✗

24           **SECTION 25.** 17.27 (3) of the statutes is repealed and recreated to read:

**BILL**

1           17.27 (3) TECHNICAL COLLEGE DISTRICT BOARD. Except as provided in s. 9.10, a  
2 vacancy in the office of member of a technical college district board may be filled by  
3 temporary appointment of the remaining members of the district board. The  
4 temporary appointee shall serve until a successor is elected and qualifies. If the  
5 vacancy occurs in any year after the first Tuesday in April and on or before December  
6 1, the vacancy shall be filled for the residue of the unexpired term, if any, at the  
7 succeeding spring election. If the vacancy occurs in any year after December 1 or on  
8 or before the first Tuesday in April, the vacancy shall be filled for the residue of the  
9 unexpired term, if any, at the 2nd succeeding spring election.

10           **SECTION 26.** 38.04 (15) of the statutes is repealed. X

11           **SECTION 27.** 38.06 (6) of the statutes is created to read: ^

12           38.06 (6) Promptly upon issuance of a reorganization order by the board, the  
13 director of the board shall transmit a copy of the order to the elections board. ✓

14           **SECTION 28.** 38.08 (1) (a) of the statutes is repealed and recreated to read: X

15           38.08 (1) (a) A district board shall administer the district and shall be composed  
16 of 9 members who are residents of the district. The members shall be elected to  
17 represent numbered election districts within each technical college district by the  
18 electors of each election district at the spring election. Each member of the district  
19 board shall be an elector of the numbered election district within the technical college  
20 district for which he or she seeks office. ✓

21           **SECTION 29.** 38.08 (1) (b) of the statutes is amended to read:

22           38.08 (1) (b) District board members shall take office on July 1 and shall serve  
23 staggered 3-year 4-year terms. ✓

24           **SECTION 30.** 38.08 (1) (c) of the statutes is created to read: ^

**BILL**

1           38.08 (1) (c) Promptly upon receipt of the determinations of the elections board  
2 under s. 7.70 (6) and upon appointment of any person to fill a temporary vacancy on  
3 the district board, the secretary of the district board shall send written notification  
4 of the name and address of each member and expiration date of each member's term  
5 to the director of the board. ✓

6           **SECTION 31.** 38.08 (1g), (2) and (2m) of the statutes are repealed. ✓

7           **SECTION 32.** 38.08 (6) of the statutes is created to read:

8           38.08 (6) (a) Within 90 days after the population count by block, established  
9 in the decennial federal census of population, and maps showing the location and  
10 numbering of census blocks become available in printed form from the federal  
11 government or are published for distribution by an agency of this state or within 90  
12 days after ~~the creation of any new district or~~ alteration <sup>of</sup> in the boundaries of an  
13 existing district, the district board of each existing district whose population has  
14 ~~changed~~ shall apportion and prescribe the boundaries of 9 numbered election  
15 districts within the district, to be as nearly equal in population as possible. <sup>Within 90 days after the creation of any new district,</sup> The board  
16 shall similarly apportion and prescribe the boundaries of 9 numbered election  
17 districts <sup>within that district</sup> upon creation of a new district. Alterations in election districts resulting  
18 from boundary changes to existing districts may be made only to the extent required  
19 to facilitate the ~~creation or change~~. Insofar as possible, each election district shall  
20 be compact and observe the community of interest of existing neighborhoods. A  
21 detailed map and description of each election district <sup>prescribed by a district board</sup> shall be prepared and  
22 transmitted by the district board to the director of the board.

23           (b) All proposed district boundaries established by a district board under par.  
24 (a) shall become effective only upon their approval by the board. If the board  
25 disapproves the proposed boundaries, the district board shall submit a revised

**BILL**

1 districting plan for approval of the board. Upon approval of the election district  
2 boundaries within any district, the board shall promulgate the boundaries  
3 established under par. (a) as a rule under ch. 227. The boundaries shall become  
4 effective on the effective date of the rule.

5 **SECTION 33.** 38.10 of the statutes is repealed.

6 **SECTION 34.** 2001 Wisconsin Act 109, section 9115 (2y) (b), as last affected by  
7 2003 Wisconsin Act .... (Assembly Bill 1), section 14, is amended to read:

8 [2001 Wisconsin Act 109] Section 9115 (2y) (b) Notwithstanding section  
9 990.001 (11) of the statutes, if a court finds that any part of the repeal of sections  
10 11.01 (12s), 11.05 (3) (o), 11.265, 11.50 (3), and 11.50 (10) of the statutes, the  
11 renumbering of sections 11.05 (2r) (title), 11.24 (2), and 11.50 (1) (a) 1. of the statutes,  
12 the renumbering and amendment of sections 11.05 (1), 11.05 (2), 11.05 (2r), 11.12 (6),  
13 11.26 (9) (a), 11.31 (2m), 11.50 (1) (a) 2., 11.50 (5), 11.50 (9), and 71.10 (3) (a) of the  
14 statutes, the amendment of sections 5.02 (13), 5.05 (2), 7.08 (2) (c), 7.08 (2) (cm), 8.30  
15 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 11.05 (3) (c), 11.05 (5), 11.05 (9) (b), 11.05  
16 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2), 11.06 (3) (b) (intro.), 11.06  
17 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06 (7m) (c), 11.07 (1), 11.07 (5), 11.09  
18 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5), 11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title),  
19 11.19 (1), 11.20 (1), 11.20 (2), 11.20 (3) (a) and (b), 11.20 (7), 11.20 (8) (intro.), 11.20  
20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3),  
21 11.23 (1), 11.23 (2), 11.26 (1) (intro.), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (3), 11.26  
22 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26 (9) (b), 11.26 (10), 11.26 (15), 11.26 (17) (a),  
23 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (2m) (title),  
24 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8) (b), 11.50 (2) (a), 11.50 (2) (b) 3. and 4.,  
25 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50 (2) (g), 11.50 (2) (h), 11.50 (2) (i), 11.50

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1 (6), 11.50 (7) (intro.), 11.50 (8), 11.50 (10m), 11.50 (11) (e), 11.60 (4), 11.61 (1) (a) (by  
 2 SECTION 2d), 20.510 (1) (q), 25.42, 71.08 (1) (intro.), and 71.10 (3) (b) of the statutes,  
 3 the repeal and recreation of sections 11.05 (9) (title) and 11.50 (4) of the statutes, the  
 4 creation of sections 11.001 (2m), 11.01 (4m), 11.01 (12w), (13) and (14), 11.01 (16) (a)  
 5 3., 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m), 11.05 (3) (r), 11.06 (1) (cm) and (dm), 11.06  
 6 (2m) (b) to (d), 11.06 (11) (bm), 11.12 (6) (am), 11.12 (6) (c) and (d), 11.12 (8) and (9),  
 7 11.20 (2s), 11.20 (2t), 11.20 (8) (am), 11.24 (1w), 11.24 (4), 11.26 (1m), 11.26 (1t), 11.26  
 8 (2) (ae), (am), (as) and (av), 11.26 (2m), 11.26 (2t), 11.26 (8n), 11.26 (8r), 11.26 (9) (a)  
 9 1. to 4., 11.26 (9) (am), 11.26 (9m), 11.26 (10a), 11.31 (1) (de), 11.31 (2m) (a), 11.31 (3p),  
 10 11.31 (9), 11.385, 11.50 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm)  
 11 and (cm), 11.50 (2) (b) 6., 11.50 (2) (j), 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (9) (b),  
 12 11.50 (14), 11.60 (3r), 71.07 (6s), 71.10 (3) (ac), 71.10 (3) (d), 71.10 (4) (gw), and 806.04  
 13 (11m) of the statutes or SECTIONS 9115 (2v), (2x), and (2y), 9132 (4v), 9215 (3v), 9244  
 14 (6v), 9315 (2v) and (2w), and 9344 (2v) of this act is unconstitutional, the treatment  
 15 of those provisions by this act is void.

**SECTION 35. Nonstatutory provisions.**

16  
 17 (1) <sup>(NON SEVERABILITY.)</sup> Notwithstanding section 990.001 (11) of the statutes, if a court finds that  
 18 the repeal and recreation of section 11.31 (1) (f) of the statutes, as affected by this act,  
 19 or any part of the laws specified in 2001 Wisconsin Act 109, section 9115 (2y) (b), as  
 20 affected by this act, is unconstitutional, the repeal and recreation of section 11.31 (1)  
 21 (f) of the statutes by this act is void.

22 (2) ELECTION OF INITIAL DISTRICT BOARDS. Notwithstanding section 38.08 (6) of  
 23 the statutes, as created by this act, within 60 days after the effective date of this  
 24 subsection, the appointment committee of each technical college district shall adopt  
 25 and transmit to the secretary of each technical college district board and the director

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1 of the state technical college system board an initial districting plan for election  
 2 districts as required by section 38.08 (6) of the statutes, as created by this act. The  
 3 state technical college system board shall review and determine its approval or  
 4 disapproval of each plan as promptly as possible. If a plan is rejected, the  
 5 appointment committee shall submit a new plan for approval. Notwithstanding  
 6 section 227.24 (1) and (3) of the statutes, the state technical college system board may  
 7 promulgate the plan as an emergency rule under section 227.24 of the statutes  
 8 without demonstrating the necessity of preservation of the public peace, health,  
 9 safety, or welfare, and without a finding of emergency. Notwithstanding section  
 10 227.24 (1) (c) of the statutes, an emergency rule promulgated under this subsection  
 11 applies until a rule replacing that rule takes effect or until the conditions specified  
 12 in section 227.24 (1) (d) of the statutes occur, whichever is sooner. Notwithstanding  
 13 section 227.19 (4) to (6) of the statutes, the rule replacing a valid emergency rule  
 14 adopted under this subsection may not contain any substantive change from the  
 15 emergency rule.

**TRANSITIONAL TERMS.** CS ✓

16 (3) Notwithstanding chapter 269, laws of 1981, section 22, and section 38.08  
 17 (1) (b) of the statutes, as affected by this act, the members of each technical college  
 18 district board who hold office on the effective date of this subsection shall cease to  
 19 hold office on July 1, 2005. At the 2005 spring election, 9 members shall be elected  
 20 to each technical college district board for terms commencing on July 1, 2005. The  
 21 persons elected to represent election districts numbered 1 and 2 at that election shall  
 22 serve for terms of one year, the persons elected to represent election districts  
 23 numbered 3 and 4 at that election shall serve for terms of 2 years, the persons elected  
 24 to represent election districts numbered 5 and 6 at that election shall serve for terms

For a rule promulgated under this subsection

as an emergency rule is necessary for the

providing evidence that promulgating a rule under this subsection is not required to provide

actions conditions

2007

2007

e 2007

**BILL**

1 of 3 years, and the persons elected to represent election districts numbered 7, 8, and  
2 9 at that election shall serve for terms of 4 years.

3 (4) ~~Notwithstanding section 38.10, 2001~~ <sup>VACANCIES. CS</sup> stats., the appointment committee of <sup>e 2003</sup>  
4 each technical college district shall not make any appointment to a technical college  
5 district board for the purpose of filling a vacancy resulting from expiration of a term  
6 of office after the effective date of this subsection. ✓

7 **SECTION 36. Effective dates.** This act takes effect on August 1, <sup>2006</sup> 2004, except  
8 as follows:

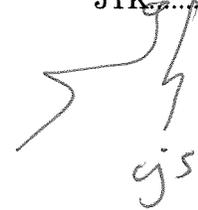
9 (1) The treatment of sections 17.01 (10m), 17.02 (2), 17.17 (2), 17.27 (3), 38.04  
10 (15), 38.08 (1) (a), (b), and (c), (1g), (2), and (2m), 38.08 (6), and 38.10 of the statutes  
11 takes effect on July 1, <sup>2007</sup> 2005.

12 (END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2272/1dn

JTK...:...

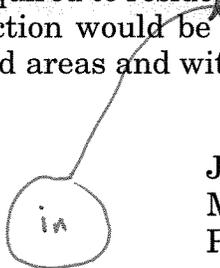


Handwritten signature and initials, including 'gjs'.

Representative Musser:

This draft provides for the election of technical college district boards from numbered election districts of equal population within each technical college district. Under the draft, a candidate would be required to reside in the election district that he or she represents and only the electors of that election district would be permitted to vote for that candidate.

It would also be possible to elect district boards from unnumbered election districts. In such a situation, the seats to be filled at each election would be contested by all the candidates, and the candidates receiving the greatest numbers of votes would be elected to the open seats. Another method of election would be to elect district board members at large from apportioned geographic areas within the district. In such a situation, the apportioned areas would not need to be equal in population, but a candidate would be required to reside in the apportioned area that he or she represented. A final method of election would be to elect all members at large without election districts or apportioned areas and without numbering the seats.



A handwritten circle containing the word 'in', with an arrow pointing from the circle to the word 'reside' in the text above.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2272/1dn  
JTK:cjs:pg

June 28, 2005

Representative Musser:

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Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

**Northrop, Lori**

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**From:** Reineking, Marlene  
**Sent:** Wednesday, July 13, 2005 10:13 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-2272/1 Topic: Popular election of technical college district boards

It has been requested by <Reineking, Marlene> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-2272/1 Topic: Popular election of technical college district boards