

**2011 DRAFTING REQUEST**

**Assembly Amendment (AA-SB275)**

Received: 03/13/2012

Received By: jkuesel

Wanted: As time permits

Companion to LRB:

For: Cory Mason (608) 266-0634

By/Representing: Vicky Selkove

May Contact:

Drafter: jkuesel

Subject: Elections - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Mason@legis.wisconsin.gov

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 #1.

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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 03/13/2012	csicilia 03/13/2012		_____			
/1			jmurphy 03/13/2012	_____	lparisi 03/13/2012	lparisi 03/13/2012	

FE Sent For:

<END>



## Kuesel, Jeffery

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**From:** Grant, Peter  
**Sent:** Tuesday, March 13, 2012 12:46 PM  
**To:** Kuesel, Jeffery  
**Subject:** FW: Additional amendments to SB 275

Jeff, can you do items 1 and 2? In item 2, MATC means the Milwaukee Area Technical College.

Thanks,

Peter

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**From:** Kunkel, Mark  
**Sent:** Tuesday, March 13, 2012 12:40 PM  
**To:** Grant, Peter  
**Subject:** FW: Additional amendments to SB 275

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**From:** Selkove, Vicky  
**Sent:** Tuesday, March 13, 2012 12:34 PM  
**To:** Kunkel, Mark  
**Subject:** Additional amendments to SB 275

Hi Mark –

Here are the additional needed amendments for the Assembly Dem caucus to SSA 2 to SB 275. My apologies. Call or email with questions – I'll be running around the building but have my phone with me so can respond easily via email.

Thanks,  
Vicky

1. A substitute amendment to SSA 2 to SB 275 that specifies that, statewide, all boards of all technical colleges will be elected by (eligible voters) people in that district.
2. A substitute amendment to SSA 2 to SB 275 that specifies that, just for MATC, the board shall be elected by the (eligible voters) people in that district.

3. Here's where it gets ugly. For each of the below, we need separate simple amendments to SSA 2 to SB 275 that replaces the governing body of each of the below (City Council, County Board, School District) with a Board appointed by another body. I've tried to specify it as clearly as possible in the first example so you can see what we mean.

City: South Milwaukee – Prepare a simple amendment to SSA 2 to SB 275 that replaces South Milwaukee's governing body (City Council) with a body appointed by Milwaukee County's Executive and County Board Supervisors

County: Milwaukee – Prepare a simple amendment to SSA 2 to SB 275 that replaces Milwaukee County's Board with a body appointed by the City of Milwaukee's Common Council

School District: South Milwaukee School District – Prepare a simple amendment to SSA 2 to SB 275 that replaces the South Milwaukee School District's Board with a body appointed by the Milwaukee County Executive and County Board of Supervisors.

**In all cases, for all of these simple amendments, use this same format: Replace the city/town/village's governing body with a body appointed by the County Executive/County Administrator and the County Board Supervisors, replace the County's governing body with a body appointed by the City, and replace the School District Board with a body appointed by the County Executive and the County Board of Supervisors. Each separate simple amendment needs to be specific to the cities, counties, and school**

**districts referenced below.**

City: Markesan  
County: Green Lake County  
School District: Markesan School District

City: Sister Bay  
County: Door  
School District: Gibraltar Area School District

City: Big Bend  
County: Waukesha  
School District: Mukwonago Area School District

City: Sheboygan  
County: Sheboygan  
School District: Sheboygan Area School District

City: Brookfield  
County: Waukesha  
School District: Elmbrook School District

City: Cascade  
County: Sheboygan  
School District: Plymouth School District

CITY – SPRING GREEN  
COUNTY – SAUK COUNTY  
SCHOOL DISTRICT – RIVER VALLEY SCHOOL DISTRICT

CITY – HARTFORD  
COUNTY – DODGE & WASHINGTON  
SCHOOL DISTRICT – SCHOOL DISTRICT OF HARTFORD

CITY – RICE LAKE  
COUNTY – BARRON COUNTY  
SCHOOL DISTRICT – RICE LAKE AREA SCHOOL DISTRICT

CITY - OSHKOSH  
COUNTY – WINNEBAGO  
SCHOOL DISTRICT – OSHKOSH AREA SCHOOL DISTRICT

City: West Bend  
County: Washington  
School District: West Bend School District

City: Fond du Lac  
County: Fond du Lac  
School District: Fond du Lac School District

**Vicky Selkove**

**Office of State Representative Cory Mason**

**62nd Assembly District**

State Capitol, Room 6 North

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Toll-free: (888) 534-0062

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State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBa2839/?

JTK).....

Tue 3/13 - 4:30 PM

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~  
ASSEMBLY AMENDMENT,  
TO 2011 SENATE BILL 275

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gs

SA ✓

✓

1 At the locations indicated, amend the bill, as shown by senate substitute  
2 amendment 2, as follows:

3 (END)



# 2011 BILL

including the material inserted by senate amendment 1

④ # Page 1, line 5: delete the material beginning with that line and ending with page 6, line 20 and substitute

no ff

1 ~~AN ACT to repeal 38.04 (15), 38.08 (1g), (2) and (2m) and 38.10; to amend 5.02~~  
 2 ~~(3), (5) and (23), 5.58 (3), 5.60 (1) (title), 5.60 (1) (b), 7.60 (4) (a) and (5) (a), 7.70~~  
 3 ~~(3) (d), 9.10 (1) (a), 9.10 (2) (b), 9.10 (2) (d), 9.10 (3) (a), 9.10 (4) (title), 9.10 (4)~~  
 4 ~~(a), 9.10 (4) (d), 9.10 (7), 11.26 (1) (c), 11.26 (2) (c), 11.31 (1) (f), 11.31 (1) (g)~~  
 5 ~~(intro.) and 38.08 (1) (b); to repeal and recreate 17.27 (3) and 38.08 (1) (a); and~~  
 6 ~~to create 5.58 (2s), 5.60 (1) (am), 7.70 (6), 8.10 (3) (ae), 8.11 (6), 17.01 (10m),~~  
 7 ~~17.02 (2), 17.17 (2), 38.06 (6), 38.08 (1) (c) and 38.08 (6) of the statutes; relating~~  
 8 ~~to: popular election of technical college district boards, providing an exemption~~  
 9 from and extending the time limit for emergency rule procedures, and granting  
 10 rule-making 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 a representation plan based upon population distribution within the district.

**BILL**

including distribution of women and minorities. All members of a district board 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.

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, 2013, at which time district board members who are elected at the 2013 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.

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:*

*LPS: Change all auto numbers to hard numbers*

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. In those years when a primary  
5 is scheduled, there shall be a separate ballot for member of the technical college  
6 district board. Arrangement of the names on the ballot shall be determined by the  
7 government accountability board under s. 5.60 (1) (b). The ballot shall be titled  
8 "Official Primary Ballot for .... (name of district) Technical College District Board."

JWS  
3-8

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~~

*as affected by 2011 Wisconsin Act 62*

6 SECTION 5. 5.60 (1) (am) of the statutes is created to read:

7 5.60 (1) (am) In those years when an election is scheduled, there shall be a  
8 separate ballot for each member of the technical college district board. The  
9 government accountability board shall determine the official ballot arrangement for  
10 technical college district board candidates by using the same method as that used  
11 under par. (b).

12 SECTION 6. 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, circuit judge, member of a technical college district board, 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 7. 7.60 (4) (a) ~~and (5) (a)~~ of the statutes are amended to read:

*JNS  
4-4*

*[Handwritten signature]*

*17*

**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; circuit judges; members of the technical college district  
 5 boards; 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 government  
 19 accountability board, technical college district board, or board of canvassers of any  
 20 other county and shall file the other statement in the office of the county clerk or

board of election commissioners.

21 board of election commissioners.  
 22 <sup>(4)</sup> ~~SECTION # 7.60(5)(a), as affected by 2011 Wisconsin Act~~  
 23 ~~(5) (a) Immediately following the canvass, the county clerk shall deliver or send~~  
 24 ~~to the government accountability board, by 1st class mail, a certified copy of each~~  
 25 ~~statement of the county board of canvassers for president and vice president, state~~  
 officials, senators and representatives in congress, state legislators, justice, court of

INS  
5-22-11

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**BILL****SECTION 7**

1 appeals judge, circuit judge, ~~members of the technical college district boards,~~ district  
2 attorney, and metropolitan sewerage commissioners, 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 government accountability board the names, party or principle  
8 designation, if any, and number of votes received by each candidate recorded in the  
9 same manner. The county clerk shall deliver or transmit the certified statement to  
10 the government accountability board no later than 7 days after each primary except  
11 the September primary, no later than 10 days after the September primary and any  
12 other election except the general election, and no later than 14 days after the general  
13 election. The board of canvassers shall deliver or transmit a certified copy of each  
14 statement for any technical college district referendum to the secretary of the  
15 ~~technical college district board.~~

16 **SECTION 8.** 7.70 (3) (d) of the statutes is amended to read:

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

**BILL**

1 college district board member; district attorney; metropolitan sewerage commission,  
2 if the commissioners are elected under s. 200.09 (11) (am); and for any referenda  
3 questions submitted by the legislature.

4 **SECTION 9.** 7.70 (6) of the statutes is created to read:

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

10 **SECTION 10.** 8.10 (3) (ae) of the statutes is created to read:

11 8.10 (3) (ae) For the office of member of the technical college district board from  
12 any election district, not less than 200 nor more than 400 electors.

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

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

17 **SECTION 12.** 9.10 (1) (a) of the statutes is amended to read:

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

24 **SECTION 13.** 9.10 (2) (b) of the statutes is amended to read:

**BILL****SECTION 13**

1           9.10 (2) (b) A recall petition for a city, village, town, technical college district,  
2 town sanitary district, or school district office shall contain a statement of a reason  
3 for the recall which is related to the official responsibilities of the official for whom  
4 removal is sought.

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

6           9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless  
7 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the  
8 filing officer with whom the petition is filed. The petitioner shall append to the  
9 registration a statement indicating his or her intent to circulate a recall petition, the  
10 name of the officer for whom recall is sought and, in the case of a petition for the recall  
11 of a city, village, town, technical college district, town sanitary district, or school  
12 district officer, a statement of a reason for the recall which is related to the official  
13 responsibilities of the official for whom removal is sought. No petitioner may  
14 circulate a petition for the recall of an officer prior to completing registration. The  
15 last date that a petition for the recall of an officer may be offered for filing is 5 p.m.  
16 on the 60th day commencing after registration. After the recall petition has been  
17 offered for filing, no name may be added or removed. No signature may be counted  
18 unless the date of the signature is within the period provided in this paragraph.

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

20           9.10 (3) (a) This subsection applies to the recall of all elective officials other  
21 than city, village, town, technical college district, town sanitary district, and school  
22 district officials. City, village, town, technical college district, town sanitary district,  
23 and school district officials are recalled under sub. (4).

24           **SECTION 16.** 9.10 (4) (title) of the statutes is amended to read:

**BILL**

1           9.10 (4) (title) CITY, VILLAGE, TOWN, TOWN SANITARY DISTRICT, TECHNICAL COLLEGE  
2 DISTRICT, AND SCHOOL DISTRICT OFFICES.

3           **SECTION 17.** 9.10 (4) (a) of the statutes is amended to read:

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

**BILL****SECTION 17**

1 except in cities over 500,000 population and in technical college districts, the  
2 ~~municipal clerk or school district clerk~~ official shall transmit the petition to the  
3 governing body or to the school board. Immediately upon finding an original or  
4 amended petition sufficient, in cities over 500,000 population, the board of election  
5 commissioners shall file the petition in its office. Immediately upon finding an  
6 original or amended petition sufficient, in technical college districts, the government  
7 accountability board shall file the petition in its office.

8 **SECTION 18.** 9.10 (4) (d) of the statutes is amended to read:

9 9.10 (4) (d) Promptly upon receipt of a certificate under par. (a), the governing  
10 body, school board, ~~or~~ board of election commissioners, or government accountability  
11 board shall call a recall election. The recall election shall be held on the Tuesday of  
12 the 6th week commencing after the date on which the certificate is filed, except that  
13 if Tuesday is a legal holiday the recall election shall be held on the first day after  
14 Tuesday which is not a legal holiday.

15 **SECTION 19.** 9.10 (7) of the statutes is amended to read:

16 9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of  
17 article XIII, section 12, of the constitution and to extend the same rights to electors  
18 of cities, villages, towns, technical college districts, town sanitary districts, and  
19 school districts.

20 **SECTION 20.** 11.26 (1) (c) of the statutes is amended to read:

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

23 **SECTION 21.** 11.26 (2) (c) of the statutes is amended to read:

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

**BILL**

1           **SECTION 22.** 11.31 (1) (f) of the statutes is amended to read:

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

5           **SECTION 23.** 11.31 (1) (g) (intro.) of the statutes is amended to read:

6           11.31 (1) (g) (intro.) In any jurisdiction or district, other than a technical college  
7 district or judicial district or circuit, with a population of 500,000 or more according  
8 to the most recent federal census covering the entire jurisdiction or district:

9           **SECTION 24.** 17.01 (10m) of the statutes is created to read:

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

12           **SECTION 25.** 17.02 (2) of the statutes is created to read:

13           17.02 (2) TECHNICAL COLLEGE DISTRICT BOARD. Of the resignation of a member  
14 of a technical college district board, by the secretary of the district board to the  
15 government accountability board.

16           **SECTION 26.** 17.17 (2) of the statutes is created to read:

17           17.17 (2) TECHNICAL COLLEGE DISTRICT BOARD. In the office of member of a  
18 technical college district board, by the secretary of the district board to the  
19 government accountability board.

20           **SECTION 27.** 17.27 (3) of the statutes is repealed and recreated to read:

21           17.27 (3) TECHNICAL COLLEGE DISTRICT BOARD. Except as provided in s. 9.10, a  
22 vacancy in the office of member of a technical college district board may be filled by  
23 temporary appointment of the remaining members of the district board. The  
24 temporary appointee shall serve until a successor is elected and qualifies. If the  
25 vacancy occurs in any year after the first Tuesday in April and on or before December

**BILL****SECTION 27**

1 1, the vacancy shall be filled for the residue of the unexpired term, if any, at the  
2 succeeding spring election. If the vacancy occurs in any year after December 1 or on  
3 or before the first Tuesday in April, the vacancy shall be filled for the residue of the  
4 unexpired term, if any, at the 2nd succeeding spring election.

5 **SECTION 28.** 38.04 (15) of the statutes is repealed.

6 **SECTION 29.** 38.06 (6) of the statutes is created to read:

7 38.06 (6) Promptly upon issuance of a reorganization order by the board, the  
8 director of the board shall transmit a copy of the order to the government  
9 accountability board.

10 **SECTION 30.** 38.08 (1) (a) of the statutes is repealed and recreated to read:

11 38.08 (1) (a) A district board shall administer the district and shall be composed  
12 of 9 members who are residents of the district. The members shall be elected to  
13 represent numbered election districts within each technical college district by the  
14 electors of each election district at the spring election. Each member of the district  
15 board shall be an elector of the numbered election district within the technical college  
16 district for which he or she seeks office.

17 **SECTION 31.** 38.08 (1) (b) of the statutes is amended to read:

18 38.08 (1) (b) District board members shall take office on July 1 and shall serve  
19 ~~staggered 3-year~~ 4-year terms.

20 **SECTION 32.** 38.08 (1) (c) of the statutes is created to read:

21 38.08 (1) (c) Promptly upon receipt of the determinations from the government  
22 accountability board under s. 7.70 (6) and upon appointment of any person to fill a  
23 temporary vacancy on the district board, the secretary of the district board shall send  
24 written notification of the name and address of each member and expiration date of  
25 each member's term to the director of the technical college system board.

**BILL**

1           **SECTION 33.** 38.08 (1g), (2) and (2m) of the statutes are repealed.

2           **SECTION 34.** 38.08 (6) of the statutes is created to read:

3           **38.08 (6)** (a) Within 90 days after the population count by block, established  
4 in the decennial federal census of population, and maps showing the location and  
5 numbering of census blocks become available in printed form from the federal  
6 government or are published for distribution by an agency of this state or within 90  
7 days after alteration of the boundaries of an existing district, the district board of  
8 each existing district shall apportion and prescribe the boundaries of 9 numbered  
9 election districts within the district, to be as nearly equal in population as possible.  
10 Within 90 days after the creation of any new district, the technical college system  
11 board shall similarly apportion and prescribe the boundaries of 9 numbered election  
12 districts within that district. Alterations in election districts resulting from  
13 boundary changes to existing districts may be made only to the extent required to  
14 facilitate the change. Insofar as possible, each election district shall be compact and  
15 observe the community of interest of existing neighborhoods. A detailed map and  
16 description of each election district prescribed by a district board shall be prepared  
17 and transmitted by the district board to the director of the technical college system  
18 board.

19           (b) All proposed district boundaries prescribed by a district board under par.  
20 (a) shall become effective only upon their approval by the technical college system  
21 board. If the technical college system board disapproves the proposed boundaries,  
22 the district board shall submit a revised districting plan for approval of the technical  
23 college system board. Upon approval of the election district boundaries within any  
24 district, the technical college system board shall promulgate the boundaries

**BILL****SECTION 34**

1 established under par. (a) as a rule under ch. 227. The boundaries shall become  
2 effective on the effective date of the rule.

3 **SECTION 35.** 38.10 of the statutes is repealed.

4 **SECTION 36. Nonstatutory provisions.**

5 (1) INITIAL ELECTION OF DISTRICT BOARDS. Notwithstanding section 38.08 (6) of  
6 the statutes, as created by this act, within 60 days after the effective date of this  
7 subsection, the appointment committee of each technical college district shall adopt  
8 and transmit to the secretary of each technical college district board and the director  
9 of the technical college system board an initial districting plan for election districts  
10 as required by section 38.08 (6) of the statutes, as created by this act. The technical  
11 college system board shall review and determine its approval or disapproval of each  
12 plan as promptly as possible. If a plan is rejected, the appointment committee shall  
13 submit a new plan for approval. Notwithstanding section 227.24 (1) (a) and (3) of the  
14 statutes, the technical college system board may promulgate the plan as an  
15 emergency rule under section 227.24 of the statutes without providing evidence that  
16 promulgating a rule under this subsection as an emergency rule is necessary for the  
17 preservation of the public peace, health, safety, or welfare, and is not required to  
18 provide a finding of emergency for a rule promulgated under this subsection.  
19 Notwithstanding section 227.24 (1) (c) of the statutes, an emergency rule  
20 promulgated under this subsection applies until a rule replacing that rule takes  
21 effect or until the actions specified in section 227.24 (1) (d) of the statutes occur,  
22 whichever is sooner. Notwithstanding section 227.19 (4) to (6) of the statutes, the  
23 rule replacing a valid emergency rule adopted under this subsection may not contain  
24 any substantive change from the emergency rule.



JWS 3-8

3

Section 5.58 (3) of the statutes, as affected by 2011 Wisconsin Act 2011 Wisconsin Act 62, is amended to read:

5.58 (3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent, for any judicial office, for any elected seat on a metropolitan sewerage commission or town sanitary district commission, in counties having a population of 750,000 or more, only 2 candidates for the office of comptroller, in counties having a population of 500,000 or more only 2 candidates for member of the board of supervisors within each district, in counties having a population of less than 500,000 only 2 candidates for each member of the county board of supervisors from each district or numbered seat or only 4 candidates for each 2 members of the county board of supervisors from each district whenever 2 supervisors are elected to unnumbered seats from the same district, in 1st class cities only 2 candidates for any at-large seat and only 2 candidates from any election district to be elected to the board of school directors, in school districts electing school board members to numbered seats, or pursuant to an apportionment plan or district representation plan, only 2 school board candidates for each numbered seat or within each district, and twice as many candidates as are to be elected members of other school boards or other elective officers receiving the highest number of votes at the primary shall be nominees for the office at the spring election. Only their names shall appear on the official spring ballot.

~~History: 1971 c. 304 ss. 6 to 8, 29 (2); 1973 c. 134, 243; 1973 c. 334 s. 57 (2); 1973 c. 340; 1975 c. 93; 1977 c. 187, 272, 445, 449; 1979 c. 32, 221, 260; 1981 c. 20, 377; 1983 a. 484; 1983 a. 532 s. 36; 1985 a. 29 s. 3202 (56); 1985 a. 89, 225; 1985 a. 304 ss. 27, 27m, 155; 1989 a. 192, 290; 1991 a. 5; 1993 a. 266; 1995 a. 16 s. 2; 1995 a. 27 s. 9145 (1); 1995 a. 201, 219; 1997 a. 35; 1999 a. 150 s. 672; 1999 a. 182; 2003 a. 24 ss. 3, 4; 2005 a. 149; 2011 a. 45, 62.~~

ANS 4-4

Section # 5.60 (1) (title) of the statutes is amended to read:

↓  
 5.60 (1) (title) ~~STATE SUPERINTENDENT; JUDICIARY; COUNTY EXECUTIVE; COUNTY COMPTROLLER; AND~~  
 COUNTY SUPERVISORS. SUPERVISOR  
 ↓  
 (CS) NON PARTISAN STATE OFFICERS

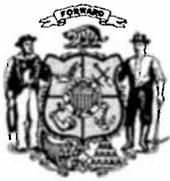
History: 1971 c. 304 ss. 9 to 11, 29<sup>(CS)</sup>(2); 1971 c. 336; 1973 c. 134; 1973 c. 334 s. 57; 1975 c. 93; 1977 c. 187, 427, 445, 449; 1979 c. 221, 260, 355; 1981 c. 377; 1983 a. 484; 1983 a. 532 s. 36; 1985 a. 29 s. 3202 (56); 1985 a. 89, 225; 1985 a. 304 ss. 28, 155; 1987 a. 391; 1989 a. 192, 290; 1993 a. 266; 1995 a. 16 s. 2; 1995 a. 201; 1999 a. 150 s. 672; 1999 a. 182; 2003 a. 24; 2005 a. 149; 2011 a. 45, 62.

ANS 5-22

~~Section #. 7.60 (5) (a) of the statutes is amended to read:~~

7.60 (5) (a) Immediately following the canvass, the county clerk shall deliver or transmit to the government accountability board a certified copy of each statement of the county board of canvassers for president and vice president, state officials, senators and representatives in congress, state legislators, ~~justice, court of appeals judge, circuit judge, district attorney, and metropolitan sewerage commissioners,~~ *members of the technical college district boards,* if the commissioners are elected under s. 200.09 (11) (am). The statement shall record the returns for each office or referendum by ward, unless combined returns are authorized under s. 5.15 (6) (b) in which case the statement shall record the returns for each group of combined wards. Following primaries the county clerk shall enclose on forms prescribed by the government accountability board the names, party or principle designation, if any, and number of votes received by each candidate recorded in the same manner. The county clerk shall deliver or transmit the certified statement to the government accountability board no later than 9 days after each primary except the partisan primary, no later than 10 days after the partisan primary and any other election except the general election, and no later than 14 days after the general election. The board of canvassers shall deliver or transmit a certified copy of each statement for any technical college district referendum to the secretary of the technical college district board.

**History:** 1971 c. 304 s. 29 (2); 1973 c. 334 ss. 14, 57; 1975 c. 93, 199; 1977 c. 187, 427, 449; 1979 c. 221, 260, 355; 1981 c. 4; 1983 a. 442, 484, 538; 1985 a. 89, 304, 332; 1987 a. 391; 1989 a. 31; 1991 a. 316; 1993 a. 399; 1999 a. 150 s. 672; 1999 a. 182; 2001 a. 107, 109; 2005 a. 451; 2007 a. 1; 2011 a. 75, 115.



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBa2839/1  
JTK:cjs:jm

←  
Stays

ASSEMBLY AMENDMENT ,  
TO 2011 SENATE BILL 275

1 At the locations indicated, amend the bill, as shown by senate substitute  
2 amendment 2, as follows:

3 **1.** Page 1, line 5: delete the material beginning with that line and ending with  
4 page 6, line 20, including the material inserted by senate amendment 1, and  
5 substitute “technical college district boards, providing an exemption from and  
6 extending the time limit for emergency rule procedures, and granting rule-making  
7 authority.

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

9 5.02 (3) “Educational officer” means the state superintendent, a member of a  
10 technical college district board, and a school board members member.

11 (5) “General election” means the election held in even-numbered years on the  
12 Tuesday after the first Monday in November to elect United States senators,  
13 representatives in congress, presidential electors, state senators, representatives to

1 the assembly, district attorneys, state officers other than the state superintendent,  
2 members of the technical college district boards, and judicial officers, and county  
3 officers other than supervisors and county executives.

4 (23) "State office" means the offices of governor, lieutenant governor, secretary  
5 of state, state treasurer, attorney general, state superintendent, justice of the  
6 supreme court, court of appeals judge, circuit court judge, state senator, state  
7 representative to the assembly ~~and~~, district attorney, and member of a technical  
8 college district board.

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

10 5.58 (2s) TECHNICAL COLLEGE DISTRICT BOARD. In those years when a primary  
11 is scheduled, there shall be a separate ballot for member of the technical college  
12 district board. Arrangement of the names on the ballot shall be determined by the  
13 government accountability board under s. 5.60 (1) (b). The ballot shall be titled  
14 "Official Primary Ballot for .... (name of district) Technical College District Board."

15 SECTION 3. 5.58 (3) of the statutes, as affected by 2011 Wisconsin Act 62, is  
16 amended to read:

17 5.58 (3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent,  
18 for any judicial office, for any elected seat on a metropolitan sewerage commission  
19 or town sanitary district commission, for member of a technical college district board  
20 from any election district, in counties having a population of 750,000 or more, only  
21 2 candidates for the office of comptroller, in counties having a population of 500,000  
22 or more only 2 candidates for member of the board of supervisors within each district,  
23 in counties having a population of less than 500,000 only 2 candidates for each  
24 member of the county board of supervisors from each district or numbered seat or  
25 only 4 candidates for each 2 members of the county board of supervisors from each

1 district whenever 2 supervisors are elected to unnumbered seats from the same  
2 district, in 1st class cities only 2 candidates for any at-large seat and only 2  
3 candidates from any election district to be elected to the board of school directors, in  
4 school districts electing school board members to numbered seats, or pursuant to an  
5 apportionment plan or district representation plan, only 2 school board candidates  
6 for each numbered seat or within each district, and twice as many candidates as are  
7 to be elected members of other school boards or other elective officers receiving the  
8 highest number of votes at the primary shall be nominees for the office at the spring  
9 election. Only their names shall appear on the official spring ballot.

10 **SECTION 3m.** 5.60 (1) (title) of the statutes as affected by 2011 Wisconsin Act  
11 62, is amended to read:

12 5.60 (1) (title) ~~STATE SUPERINTENDENT~~ NONPARTISAN STATE OFFICERS; JUDICIARY;  
13 COUNTY EXECUTIVE; COUNTY COMPTROLLER; AND COUNTY SUPERVISORS SUPERVISOR.

14 **SECTION 4.** 5.60 (1) (am) of the statutes is created to read:

15 5.60 (1) (am) In those years when an election is scheduled, there shall be a  
16 separate ballot for each member of the technical college district board. The  
17 government accountability board shall determine the official ballot arrangement for  
18 technical college district board candidates by using the same method as that used  
19 under par. (b).

20 **SECTION 5.** 5.60 (1) (b) of the statutes is amended to read:

21 5.60 (1) (b) The board shall certify the candidates' names and designate the  
22 official ballot arrangement for candidates for state superintendent, justice, court of  
23 appeals judge, circuit judge, member of a technical college district board, and, if  
24 commissioners are elected under s. 200.09 (11) (am), the metropolitan sewerage  
25 commission. The arrangement of names of all candidates on the ballot whose

1 nomination papers are filed with the board shall be determined by the board by the  
2 drawing of lots not later than the 2nd Tuesday in January, or the next day if the first  
3 Tuesday is a holiday. Whenever a primary is held for an office, a 2nd drawing of all  
4 candidates for that office shall be held by or under the supervision of the board not  
5 later than the 3rd day following the completion of the primary canvass to determine  
6 the arrangement of candidates on the election ballot.

7 **SECTION 6.** 7.60 (4) (a) of the statutes is amended to read:

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

1 accountability board, technical college district board, or board of canvassers of any  
2 other county and shall file the other statement in the office of the county clerk or  
3 board of election commissioners.

4 **SECTION 7.** 7.60 (5) (a) of the statutes, as affected by 2011 Wisconsin Act 115,  
5 is amended to read:

6 7.60 (5) (a) Immediately following the canvass, the county clerk shall deliver  
7 or transmit to the government accountability board a certified copy of each statement  
8 of the county board of canvassers for president and vice president, state officials,  
9 senators and representatives in congress, state legislators, justice, court of appeals  
10 judge, circuit judge, members of the technical college district boards, district  
11 attorney, and metropolitan sewerage commissioners, if the commissioners are  
12 elected under s. 200.09 (11) (am). The statement shall record the returns for each  
13 office or referendum by ward, unless combined returns are authorized under s. 5.15  
14 (6) (b) in which case the statement shall record the returns for each group of  
15 combined wards. Following primaries the county clerk shall enclose on forms  
16 prescribed by the government accountability board the names, party or principle  
17 designation, if any, and number of votes received by each candidate recorded in the  
18 same manner. The county clerk shall deliver or transmit the certified statement to  
19 the government accountability board no later than 9 days after each primary except  
20 the partisan primary, no later than 10 days after the partisan primary and any other  
21 election except the general election, and no later than 14 days after the general  
22 election. The board of canvassers shall deliver or transmit a certified copy of each  
23 statement for any technical college district referendum to the secretary of the  
24 technical college district board.

25 **SECTION 7m.** 7.70 (3) (d) of the statutes is amended to read:

1           7.70 (3) (d) When the certified statements and returns are received, the  
2 chairperson of the board or the chairperson's designee shall proceed to examine and  
3 make a statement of the total number of votes cast at any election for the offices  
4 involved in the election for president and vice president; a statement for each of the  
5 offices of governor, lieutenant governor, if a primary, and a joint statement for the  
6 offices of governor and lieutenant governor, if a general election; a statement for each  
7 of the offices of secretary of state, state treasurer, attorney general, and state  
8 superintendent; for U.S. senator; representative in congress for each congressional  
9 district; the state legislature; justice; court of appeals judge; circuit judge; technical  
10 college district board member; district attorney; metropolitan sewerage commission,  
11 if the commissioners are elected under s. 200.09 (11) (am); and for any referenda  
12 questions submitted by the legislature.

13           **SECTION 8.** 7.70 (6) of the statutes is created to read:

14           7.70 (6) TECHNICAL COLLEGE DISTRICT BOARD MEMBERS; DETERMINATIONS. The  
15 government accountability board shall transmit to the secretary of the technical  
16 college district board a copy of the certified determination of the chairperson of the  
17 government accountability board or his or her designee for the election of each  
18 member of the district board.

19           **SECTION 9.** 8.10 (3) (ae) of the statutes is created to read:

20           8.10 (3) (ae) For the office of member of the technical college district board from  
21 any election district, not less than 200 nor more than 400 electors.

22           **SECTION 10.** 8.11 (6) of the statutes is created to read:

23           8.11 (6) TECHNICAL COLLEGE DISTRICT BOARD MEMBERS. A primary shall be held  
24 in an election for any seat on a technical college district board whenever there are  
25 more than 2 candidates in any election district.

1           **SECTION 11.** 9.10 (1) (a) of the statutes is amended to read:

2           9.10 (1) (a) The qualified electors of the state, of any county, city, village, or  
3 town, of any congressional, legislative, judicial, technical college, town sanitary, or  
4 school district, or of any prosecutorial unit may petition for the recall of any  
5 incumbent elective official by filing a petition with the same official or agency with  
6 whom nomination papers or declarations of candidacy for the office are filed  
7 demanding the recall of the officeholder.

8           **SECTION 12.** 9.10 (2) (b) of the statutes is amended to read:

9           9.10 (2) (b) A recall petition for a city, village, town, technical college district,  
10 town sanitary district, or school district office shall contain a statement of a reason  
11 for the recall which is related to the official responsibilities of the official for whom  
12 removal is sought.

13           **SECTION 13.** 9.10 (2) (d) of the statutes is amended to read:

14           9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless  
15 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the  
16 filing officer with whom the petition is filed. The petitioner shall append to the  
17 registration a statement indicating his or her intent to circulate a recall petition, the  
18 name of the officer for whom recall is sought and, in the case of a petition for the recall  
19 of a city, village, town, technical college district, town sanitary district, or school  
20 district officer, a statement of a reason for the recall which is related to the official  
21 responsibilities of the official for whom removal is sought. No petitioner may  
22 circulate a petition for the recall of an officer prior to completing registration. The  
23 last date that a petition for the recall of an officer may be offered for filing is 5 p.m.  
24 on the 60th day commencing after registration. After the recall petition has been

1 offered for filing, no name may be added or removed. No signature may be counted  
2 unless the date of the signature is within the period provided in this paragraph.

3 **SECTION 14.** 9.10 (3) (a) of the statutes is amended to read:

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

8 **SECTION 15.** 9.10 (4) (title) of the statutes is amended to read:

9 9.10 (4) (title) CITY, VILLAGE, TOWN, TOWN SANITARY DISTRICT, TECHNICAL COLLEGE  
10 DISTRICT, AND SCHOOL DISTRICT OFFICES.

11 **SECTION 16.** 9.10 (4) (a) of the statutes is amended to read:

12 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,  
13 technical college district, town sanitary district, or school district official, is offered  
14 for filing, the officer against whom the petition is filed may file a written challenge  
15 with the ~~municipal clerk or board of election commissioners or school district clerk~~  
16 official or agency with whom it is filed, specifying any alleged insufficiency. If a  
17 challenge is filed, the petitioner may file a written rebuttal to the challenge with the  
18 ~~clerk or board of election commissioners~~ official or agency within 5 days after the  
19 challenge is filed. If a rebuttal is filed, the officer against whom the petition is filed  
20 may file a reply to any new matter raised in the rebuttal within 2 days after the  
21 rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a  
22 reply to a rebuttal, the ~~clerk or board of election commissioners~~ official or agency  
23 shall file the certificate or an amended certificate. Within 31 days after the petition  
24 is offered for filing, the ~~clerk or board of election commissioners~~ official or agency  
25 shall determine by careful examination of the face of the petition whether the

1 petition is sufficient and shall so state in a certificate attached to the petition. If the  
2 petition is found to be insufficient, the certificate shall state the particulars creating  
3 the insufficiency. The petition may be amended to correct any insufficiency within  
4 5 days following the affixing of the original certificate. Within 2 days after the  
5 offering of the amended petition for filing, the ~~clerk or board of election~~  
6 ~~commissioners~~ official or agency shall again carefully examine the face of the petition  
7 to determine sufficiency and shall attach to the petition a certificate stating the  
8 findings. Immediately upon finding an original or amended petition sufficient,  
9 except in cities over 500,000 population and in technical college districts, the  
10 ~~municipal clerk or school district clerk~~ official shall transmit the petition to the  
11 governing body or to the school board. Immediately upon finding an original or  
12 amended petition sufficient, in cities over 500,000 population, the board of election  
13 commissioners shall file the petition in its office. Immediately upon finding an  
14 original or amended petition sufficient, in technical college districts, the government  
15 accountability board shall file the petition in its office.

16 **SECTION 17.** 9.10 (4) (d) of the statutes is amended to read:

17 9.10 (4) (d) Promptly upon receipt of a certificate under par. (a), the governing  
18 body, school board, ~~or board of election commissioners,~~ or government accountability  
19 board shall call a recall election. The recall election shall be held on the Tuesday of  
20 the 6th week commencing after the date on which the certificate is filed, except that  
21 if Tuesday is a legal holiday the recall election shall be held on the first day after  
22 Tuesday which is not a legal holiday.

23 **SECTION 18.** 9.10 (7) of the statutes is amended to read:

24 9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of  
25 article XIII, section 12, of the constitution and to extend the same rights to electors

1 of cities, villages, towns, technical college districts, town sanitary districts, and  
2 school districts.

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

4 11.26 (1) (c) Candidates for representative to the assembly or member of a  
5 technical college district board, \$500.

6 **SECTION 20.** 11.26 (2) (c) of the statutes is amended to read:

7 11.26 (2) (c) Candidates for representative to the assembly or member of a  
8 technical college district board, \$500.

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

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

13 **SECTION 22.** 11.31 (1) (g) (intro.) of the statutes is amended to read:

14 11.31 (1) (g) (intro.) In any jurisdiction or district, other than a technical college  
15 district or judicial district or circuit, with a population of 500,000 or more according  
16 to the most recent federal census covering the entire jurisdiction or district:

17 **SECTION 23.** 17.01 (10m) of the statutes is created to read:

18 17.01 (10m) By a member of a technical college district board, to the secretary  
19 of the district board.

20 **SECTION 24.** 17.02 (2) of the statutes is created to read:

21 17.02 (2) TECHNICAL COLLEGE DISTRICT BOARD. Of the resignation of a member  
22 of a technical college district board, by the secretary of the district board to the  
23 government accountability board.

24 **SECTION 25.** 17.17 (2) of the statutes is created to read:

1           17.17 (2) TECHNICAL COLLEGE DISTRICT BOARD. In the office of member of a  
2 technical college district board, by the secretary of the district board to the  
3 government accountability board.

4           **SECTION 26.** 17.27 (3) of the statutes is repealed and recreated to read:

5           17.27 (3) TECHNICAL COLLEGE DISTRICT BOARD. Except as provided in s. 9.10, a  
6 vacancy in the office of member of a technical college district board may be filled by  
7 temporary appointment of the remaining members of the district board. The  
8 temporary appointee shall serve until a successor is elected and qualifies. If the  
9 vacancy occurs in any year after the first Tuesday in April and on or before December  
10 1, the vacancy shall be filled for the residue of the unexpired term, if any, at the  
11 succeeding spring election. If the vacancy occurs in any year after December 1 or on  
12 or before the first Tuesday in April, the vacancy shall be filled for the residue of the  
13 unexpired term, if any, at the 2nd succeeding spring election.

14           **SECTION 27.** 38.04 (15) of the statutes is repealed.

15           **SECTION 28.** 38.06 (6) of the statutes is created to read:

16           38.06 (6) Promptly upon issuance of a reorganization order by the board, the  
17 director of the board shall transmit a copy of the order to the government  
18 accountability board.

19           **SECTION 29.** 38.08 (1) (a) of the statutes is repealed and recreated to read:

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

1           **SECTION 30.** 38.08 (1) (b) of the statutes is amended to read:

2           38.08 (1) (b) District board members shall take office on July 1 and shall serve  
3 ~~staggered 3-year~~ 4-year terms.

4           **SECTION 31.** 38.08 (1) (c) of the statutes is created to read:

5           38.08 (1) (c) Promptly upon receipt of the determinations from the government  
6 accountability board under s. 7.70 (6) and upon appointment of any person to fill a  
7 temporary vacancy on the district board, the secretary of the district board shall send  
8 written notification of the name and address of each member and expiration date of  
9 each member's term to the director of the technical college system board.

10          **SECTION 32.** 38.08 (1g), (2) and (2m) of the statutes are repealed.

11          **SECTION 33.** 38.08 (6) of the statutes is created to read:

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

1 and transmitted by the district board to the director of the technical college system  
2 board.

3 (b) All proposed district boundaries prescribed by a district board under par.  
4 (a) shall become effective only upon their approval by the technical college system  
5 board. If the technical college system board disapproves the proposed boundaries,  
6 the district board shall submit a revised districting plan for approval of the technical  
7 college system board. Upon approval of the election district boundaries within any  
8 district, the technical college system board shall promulgate the boundaries  
9 established under par. (a) as a rule under ch. 227. The boundaries shall become  
10 effective on the effective date of the rule.

11 **SECTION 34.** 38.10 of the statutes is repealed.

12 **SECTION 35. Nonstatutory provisions.**

13 (1) INITIAL ELECTION OF DISTRICT BOARDS. Notwithstanding section 38.08 (6) of  
14 the statutes, as created by this act, within 60 days after the effective date of this  
15 subsection, the appointment committee of each technical college district shall adopt  
16 and transmit to the secretary of each technical college district board and the director  
17 of the technical college system board an initial districting plan for election districts  
18 as required by section 38.08 (6) of the statutes, as created by this act. The technical  
19 college system board shall review and determine its approval or disapproval of each  
20 plan as promptly as possible. If a plan is rejected, the appointment committee shall  
21 submit a new plan for approval. Notwithstanding section 227.24 (1) (a) <sup>(2)</sup> and <sup>(b)</sup> (3) of the  
22 statutes, the technical college system board may promulgate the plan as an  
23 emergency rule under section 227.24 of the statutes without providing evidence that  
24 promulgating a rule under this subsection as an emergency rule is necessary for the  
25 preservation of the public peace, health, safety, or welfare, and is not required to

1 provide a finding of emergency for a rule promulgated under this subsection.  
2 Notwithstanding section 227.24 (1) (c) of the statutes, an emergency rule  
3 promulgated under this subsection applies until a rule replacing that rule takes  
4 effect or until the actions specified in section 227.24 (1) (d) of the statutes occur,  
5 whichever is sooner. Notwithstanding section 227.19 (4) to (6) of the statutes, the  
6 rule replacing a valid emergency rule adopted under this subsection may not contain  
7 any substantive change from the emergency rule. DWS 14-7

8 (2) **TRANSITIONAL TERMS.** Notwithstanding chapter 269, laws of 1981, section 22,  
9 and section 38.08 (1) (b) of the statutes, as affected by this act, the members of each  
10 technical college district board who hold office on the effective date of this subsection  
11 shall cease to hold office on July 1, 2013. At the 2013 spring election, 9 members shall  
12 be elected to each technical college district board for terms commencing on July 1,  
13 2013. Notwithstanding section 38.08 (1) (b) of the statutes, as affected by this act,  
14 the persons elected to represent election districts numbered 1 and 2 at that election  
15 shall serve for terms of one year, the persons elected to represent election districts  
16 numbered 3 and 4 at that election shall serve for terms of 2 years, the persons elected  
17 to represent election districts numbered 5 and 6 at that election shall serve for terms  
18 of 3 years, and the persons elected to represent election districts numbered 7, 8, and  
19 9 at that election shall serve for terms of 4 years.

20 (3) **VACANCIES.** Notwithstanding section 38.10, 2009 stats., the appointment  
21 committee of each technical college district shall not make any appointment to a  
22 technical college district board for the purpose of filling a vacancy resulting from  
23 expiration of a term of office after the effective date of this subsection.

24 **SECTION 36. Effective dates.** This act takes effect on August 1, 2012, except  
25 as follows:



- 1274-7  
RNS 14-21

1 103.49 (3g) (1) Work performed by crew members on a Wisconsin conservation  
2 corps project.

3 **SECTION 11. Nonstatutory provisions.**

4 (1) EMERGENCY RULES FOR OPERATION OF WISCONSIN CONSERVATION CORPS  
5 PROGRAM. The Wisconsin conservation corps board may promulgate all rules  
6 necessary for the operation of the Wisconsin conservation corps program under  
7 section 16.24 of the statutes as emergency rules under section 227.24 of the statutes.  
8 Notwithstanding section 227.24 (1) (c) of the statutes, emergency rules promulgated  
9 under this subsection may remain in effect for not more than one year, and may be  
10 extended under section 227.24 (2) of the statutes. Notwithstanding section 227.24  
11 (1) (a), (2) (b), and (3) of the statutes, the board is not required to provide evidence  
12 that promulgating a rule under this subsection as an emergency rule is necessary for  
13 the preservation of the public peace, health, safety, or welfare and is not required to  
14 provide a finding of emergency for a rule promulgated under this subsection.

15 ~~Notwithstanding sections 227.135 (2) and (4) and 227.24 (1) (e) 1d. and 1g. of the~~  
16 statutes, a proposed emergency rule promulgated under this subsection and the  
17 statement of the scope of the proposed emergency rule are not subject to approval of  
18 the governor.

19 (2) ~~INITIAL TERMS OF APPOINTED MEMBERS OF THE WISCONSIN CONSERVATION CORPS~~  
20 BOARD.

21 (a) Notwithstanding the length of term specified for the member of the  
22 Wisconsin conservation corps board specified in section 15.105 (34) (e) of the statutes,  
23 as created by this act, the initial term for the member appointed under section 15.105  
24 (34) (e) of the statutes, as created by this act, shall expire on May 1, 2016.

NO P