State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX -

PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 06/07/2013 (Per: CMH & JK)

☞Compile Draft – Appendix C ... Part I

Appendix A ☞ The 2013 drafting file for LRB–0058

Appendix B ☞ The 2013 drafting file for LRB–1722

Appendix C ☞ The 2013 drafting file for LRB–1771

Appendix D ☞ The 2013 drafting file for LRB–2436

has been copied/added to the drafting file for

2013 LRBs0081

2013 DRAFTING REQUEST

Bill

Received:	**3/1/2013**	Received By:	**tkuczens**
Wanted:	**As time permits**	Same as LRB:	
For:	**Kathleen Bernier (608) 266-9172**	By/Representing:	**Chad Zuleger**
May Contact:	**Rep. Vos may inspect file.**	Drafter:	**tkuczens**
		Addl. Drafters:	
Subject:	**Elections - miscellaneous**	Extra Copies:	**jtk, jk**

Submit via email: **YES**
Requester's email: **Rep.Bernier@legis.wisconsin.gov**
Carbon copy (CC) to: **Andrew.Hanus@legis.wisconsin.gov**
tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Elections - eliminate most special elections

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	tkuczens 4/29/2013	scalvin 5/1/2013		_____ _____			
/P1	tkuczens 5/20/2013	wjackson 5/20/2013	jmurphy 5/20/2013	_____ _____	sbasford 5/2/2013		State S&L
/P2		/P3 sac 05/21/2013	5/21 ph	ph	mbarman		State

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
					5/20/2013		S&L

FE Sent For:

<END>

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/?	tkuczens 4/29/2013	scalvin 5/1/2013		_____ _____			
/P1		/P2 wij 5/20	jmurphy 5/2/2013 jm 5/20	_____ _____ jmcpH 5/20	sbasford 5/2/2013		State S&L

FE Sent For:

<END>

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No specific pre topic given

Topic:

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Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	tkuczens	/P1 sac 04/30/2013					

FE Sent For:

<END>

State of Wisconsin
2013 – 2014 LEGISLATURE

LRB-1771~~2~~ P1
TKK:.:...
Rmr Sec
d-note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-N

in 4/29/13

Wanted by 5/6 or so?

gen cat

AN ACT ...; **relating to:** scheduling of referend~~a~~ums.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

FE-S&L

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

SECTION 1. 5.02 (19) of the statutes is amended to read:

5.02 **(19)** "Special election" means any election, other than those described in subs. (5), ~~(18)~~ (12s), (21) and (22) ~~[subs. (5), (12s), (21) and (22)]~~, to fill vacancies ~~or to conduct a referendum~~.

NOTE: NOTE: The correct cross-reference is shown in brackets. Corrective legislation is pending.NOTE:

History: 1971 c. 211; 1971 c. 304 ss. 2, 29 (2); 1973 c. 280, 334; 1975 c. 93, 1977 c. 107, 187, 394; 1977 c. 427 ss. 3 to 14; 1977 c. 449; 1979 c. 32, 89, 221; 1979 c. 260 ss. 1m, 73 to 75; 1979 c. 311, 328; 1981 c. 4, 391; 1983 a. 484 ss. 5, 5c, 124m, 128; 1985 a. 303; 1985 a. 304 ss. 1m, 2, 155; 1987 a. 391 ss. 1 to 1r, 66w; 1989 a. 31; 1991 a. 5; 1993 a. 140, 184; 1995 a. 16 s. 2; 1995 a. 27 s. 9145 (1); 1995 a. 219; 1997 a. 35; 2001 a. 16, 109; 2003 a. 24, 265; 2005 a. 177, 451; 2007 a. 1; 2009 a. 397; 2011 a. 23, 32, 45, 75.

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

7.15 **(2)** (d) Whenever the governing body of any municipality submits any question to a vote of the electors or whenever a proper recall petition and certificate

If the governing body determines the date, the date shall be established in accordance with s. 8.065.

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

History: 1971 c. 304 s. 29 (2); 1973 c. 334 s. 57; 1975 c. 85 ss. 50, 65; 1975 c. 275, 422; 1977 c. 283; 1977 c. 394 s. 54; 1977 c. 427, 447; 1979 c. 260, 311; 1981 c. 391; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1991 a. 316; 1999 a. 182; 2001 a. 16; 2003 a. 265; 2005 a. 451; 2007 a. 1; 2011 a. 23, 45, 75, 115.

SECTION 3. 7.52 (8) of the statutes is amended to read:

7.52 **(8)** The board of absentee ballot canvassers shall make full and accurate return of the votes cast for each candidate and proposition on the tally sheet forms. Each tally sheet shall record the returns for each office or referendum by ward, unless combined returns are authorized in accordance with s. 5.15 (6) (b), in which case the tally sheet shall record the returns for each group of combined wards. After recording the votes, the board of absentee ballot canvassers shall seal in a carrier envelope outside the ballot bag or container one inspector's statement under sub. (4) (d), one tally sheet, and one poll list for delivery to the county clerk, unless the election relates only to municipal or school district offices ~~or referenda~~. The board of absentee ballot canvassers shall also similarly seal one statement, one tally sheet, and one poll list for delivery to the municipal clerk.

History: 2005 a. 451; 2011 a. 23, 75, 115, 227.

SECTION 4. 8.05 (3) (d) of the statutes is amended to read:

8.05 **(3)** (d) The question of adoption of the nonpartisan primary under this subsection may be submitted to the electors at any ~~regular~~ election authorized under s. 8.065 (2) to be held in the town ~~or at a special election called for the purpose~~. When

a petition requesting adoption of the nonpartisan primary conforming to the requirements of s. 8.40 and signed by at least 20 electors of the town is filed with the town clerk as provided in s. 8.37, the question shall be submitted to a vote.

****NOTE: Do you want to permit voters to consider the question at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 1971 c. 304 s. 29 (2); 1973 c. 280; 1977 c. 340; 1977 c. 447 ss. 11, 210; 1979 c. 311; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 56, 192; 1991 a. 316; 1993 a. 184, 266; 1995 a. 16 s. 2; 1999 a. 182; 2005 a. 149, 253; 2007 a. 1, 83.

SECTION 5. 8.05 (3) (e) of the statutes is amended to read:

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

****NOTE: Do you want to permit voters to consider the question at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 1971 c. 304 s. 29 (2); 1973 c. 280; 1977 c. 340; 1977 c. 447 ss. 11, 210; 1979 c. 311; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 56, 192; 1991 a. 316; 1993 a. 184, 266; 1995 a. 16 s. 2; 1999 a. 182; 2005 a. 149, 253; 2007 a. 1, 83.

SECTION 6. 8.06 of the statutes is amended to read:

8.06 Special elections may be called. Towns, cities, villages, and school districts may call special elections for any purpose whenever such action is authorized or required by law, and may include a call for a special referendum. ~~If an~~ A special election ~~is called~~ that includes a call for a special referendum, ~~the election~~ shall be noticed under s. 8.55.

History: 1979 c. 32; 1989 a. 192.

****NOTE: As amended, this section, together with s. 5.02 (19), permits a special referendum to be called, but only when a special election is being held for some other reason. Is that consistent with your intent? I have flagged and will continue to flag this issue at other points in the bill where current law permits a referendum to be held at a special election.

****NOTE: Note that current law permits the calling of special referendum under s. 8.55. Do you want to eliminate this authority? Or, alternatively, do you want to explicitly permit referendum to be scheduled concurrent with a special election?

SECTION 7. 8.065 of the statutes is created to read:

8.065 Scheduling of referenda. (1) In this section, "Local governmental unit" means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of such a political subdivision or special purpose district, a combination or subunit of any of the foregoing, or an instrumentality of the state and any of the foregoing.

(2) Unless otherwise required by law, a referendum held by any local governmental unit that is authorized or required by law to hold a referendum may only be held concurrently with the spring primary, spring election, partisan primary, or general election.

****NOTE: Do you want to, generally (in this scheduling provision), permit a referendum to be scheduled concurrent with a special election? Alternatively, the bill could identify specific circumstances in specific statutory provisions where a referendum may be called concurrent with a special election.

SECTION 8. 9.20 (4) of the statutes is renumbered 9.20 (4) (intro.) and amended to read:

9.20 **(4)** (intro.) The common council or village board shall, without alteration, ~~either pass~~ to the ordinance or resolution, do one of the following:

(a) Pass the ordinance or resolution within 30 days following the date of the clerk's final certificate~~, or submit it~~.

(b) Submit the ordinance or resolution to the electors at the next spring or general election, if the election is more than 6 weeks after the date of the council's or board's action on the petition or the expiration of the 30–day period, whichever first occurs.

(c) If there are 6 weeks or less before the election, the ordinance or resolution shall be voted on at the next succeeding election ~~thereafter. The council or board by a three–fourths vote of the members–elect may order a special election for the purpose of voting on the ordinance or resolution at any time prior to the next election,~~

~~but not more than one special election for direct legislation may be ordered in any 6–month period~~ authorized under s. 8.065 (2).

****NOTE: Currently, this section requires a vote on an ordinance or resolution, but does not explicitly require a referendum. Nevertheless, I amend it to require that the ordinance or resolution be considered at the next election authorized under s. 8.065 (2). Is that consistent with your intent?

****NOTE: Do you want to permit voters to consider the ordinance or resolution at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 1977 c. 102; 1983 a. 484; 1989 a. 192, 273.

SECTION 9. 24.66 (3) (b) of the statutes is amended to read:

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

****NOTE: Currently, this section requires a vote on an application, but does not explicitly require a referendum. As amended it requires the application to be considered at a referendum scheduled as provided under s. 8.065 (2). Is that consistent with your intent?

****NOTE: Do you want to permit voters to consider the application at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 1979 c. 221, 355; 1981 c. 169; Stats. 1981 s. 24.66; 1983 a. 196, 423; 1985 a. 49, 218, 225; 1987 a. 76, 79; 1995 a. 27, 227, 417; 1997 a. 27; 1999 a. 150 s. 672; 1999 a. 182; 2001 a. 16; 2001 a. 30 s. 108; 2007 a. 20; 2009 a. 2, 28; 2011 a. 71.

SECTION 10. 24.66 (4) of the statutes is amended to read:

24.66 **(4)** POPULAR VOTE, WHEN REQUIRED. If any municipality is not empowered by law to incur indebtedness for a particular purpose without first submitting the question to its electors, the application for a state trust fund loan for that purpose must be approved and authorized by a majority vote of the electors at a ~~special election called,~~ referendum scheduled as provided under s. 8.065 (2) and noticed and held in the manner provided for other ~~special elections~~ referenda. The question to

be voted on shall be filed as provided in s. 8.37. The notice of the ~~election~~ referendum shall state the amount of the proposed loan and the purpose for which it will be used.

****NOTE: Currently, this section requires a vote on an application, but does not explicitly require a referendum. As amended it requires the application to be considered at a referendum scheduled as provided under s. 8.065 (2). Is that consistent with your intent?

****NOTE: Do you want to permit voters to consider the application at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 1979 c. 221, 355; 1981 c. 169; Stats. 1981 s. 24.66; 1983 a. 196, 423; 1985 a. 49, 218, 225; 1987 a. 76, 79; 1995 a. 27, 227, 417; 1997 a. 27; 1999 a. 150 s. 672; 1999 a. 182; 2001 a. 16; 2001 a. 30 s. 108; 2007 a. 20; 2009 a. 2, 28; 2011 a. 71.

SECTION 11. 32.72 (1) of the statutes is amended to read:

32.72 **(1)** Sections 32.50 to 32.71 do not take effect in any city until the following question is submitted to the electors of the city at a ~~special election~~ referendum, scheduled as provided under s. 8.065 (2), and adopted by a majority vote of the electors voting: "Shall subchapter II of chapter 32, Wisconsin Statutes, be effective in the city of ....., thus allowing the city to acquire and condemn property for street widening and similar purposes, financed through assessments of benefits and damages?". The question shall be filed as provided in s. 8.37.

~~**History:** 1983 a. 236; 1983 a. 538 ss. 39, 264; 1999 a. 182.~~
History: @"refnum" = "32.68", Subcomponent = yes> s. 32.68.

****NOTE: Currently, this section requires a vote on a question, but does not explicitly require a referendum. As amended it requires the question to be considered at a referendum scheduled as provided under s. 8.065 (2). Is that consistent with your intent?

****NOTE: Currently, this section requires the question to be submitted to the electors at a special election. Do you want to require the referendum to be held at a special election as that term is now defined under s. 5.02 (19)?

SECTION 12. 38.15 (1) of the statutes is amended to read:

38.15 **(1)** Subject to sub. (3), if the district board intends to make a capital expenditure in excess of $1,500,000, excluding moneys received from gifts, grants or federal funds, for the acquisition of sites~~,~~; the purchase or construction of buildings~~,~~; the lease/purchase of buildings if costs exceed $1,500,000 for the lifetime of the lease~~,~~; for building additions or enlargements; or for the purchase of fixed equipment

relating to any such activity, it shall adopt a resolution stating its intention to do so and identifying the anticipated source of revenue for each project and shall submit the resolution to the electors of the district for approval. The referendum may be held at an election authorized under s. 8.065 (2) and shall be noticed, called, and conducted as provided in s. 67.05 (3) insofar as applicable. For the purposes of this section, all projects located on a single campus site within one district which are bid concurrently or which are approved by the board under s. 38.04 (10) within a 2–year period shall be considered as one capital expenditure project.

History: 1979 c. 221; 1983 a. 380; 1985 a. 323; 1987 a. 27, 391; 1989 a. 31; 1999 a. 9; 2001 a. 16; 2003 a. 62; 2009 a. 28; 2011 a. 32.

SECTION 13. 38.16 (3) (br) 1. of the statutes is amended to read:

38.16 **(3)** (br) 1. If a district board wishes to exceed the limit under par. (b) otherwise applicable to the district in 2011 or 2012, it shall adopt a resolution supporting inclusion in the final district budget of an amount equal to the proposed excess levy. The resolution shall be filed as provided in s. 8.37. Within 10 days after adopting the resolution, the district board shall submit a copy of the resolution to the board and shall notify the board of the scheduled date of the referendum ~~and submit a copy of the resolution to the board. The district board shall call a special referendum~~ to be called for the purpose of submitting the resolution to the electors of the district for approval or rejection. ~~In lieu of a special referendum, the district board may specify that the~~ The referendum shall be held at the next succeeding ~~spring primary or election or partisan primary or general election, if such~~ election ~~is to be held~~ authorized under s. 8.065 (2) that occurs not sooner than 42 days after the filing of the resolution of the district board. The district board shall certify the results of the referendum to the board within 10 days after the referendum is held.

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****NOTE: Do you want to permit voters to consider the resolution at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 1971 c. 154, 211; 1973 c. 61, 90; 1975 c. 39; 1977 c. 29 ss. 493, 1647 (13); 1977 c. 300 ss. 1, 8; 1977 c. 418 s. 918m; 1979 c. 34; 1981 c. 20; 2011 a. 32, 75.

SECTION 14. 59.08 (7) (b) of the statutes is amended to read:

59.08 **(7)** (b) The question of the consolidation of the counties shall be submitted to the voters at the next election ~~to be held on the first Tuesday in April, or the next regular election, or at a special election~~ authorized under s. 8.065 (2) plain to be held on ~~the day fixed in~~ a date specified in the order issued under par. (a), which ~~day~~ date shall be no sooner than 70 days from the completion of the consolidation agreement and which date shall be the same in each of the counties proposing to consolidate. A copy of the order shall be filed with the county clerk of each of the counties as provided in s. 8.37. ~~If the question of consolidation is submitted at a special election, it shall be held not less than 70 days nor more than 88 days from the completion of the consolidation agreement, but not within 60 days of any spring or general election.~~

****NOTE: Currently, this section requires a vote on a question, but does not explicitly require a referendum. As amended it requires the question to be considered at the next election authorized under s. 8.065 (2), with exceptions for timing. Is that consistent with your intent?

****NOTE: Please carefully review this paragraph to ensure that the timing of the order and the election is consistent with your intent.

****NOTE: Do you want to permit voters to consider the question at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 1977 c. 449; 1979 c. 311; 1981 c. 377; 1983 a. 192; 1989 a. 56, 192; 1991 a. 316; 1993 a. 490; 1995 a. 16 ss. 1, 2; 1995 a. 201 ss. 480 to 483; Stats. 1995 s. 59.08; 1995 a. 225 ss. 175 to 179; 1997 a. 35; 1999 a. 182; 2001 a. 16; 2011 a. 75.

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

59.605 **(3)** (a) 1. If the governing body of a county wishes to exceed the operating levy rate limit otherwise applicable to the county under this section, it shall adopt a resolution to that effect. The resolution shall specify either the operating levy rate or the operating levy that the governing body wishes to impose for either a specified number of years or an indefinite period. The governing body shall ~~call a special referendum for the purpose of submitting the resolution to the electors of the county~~

~~for approval or rejection. In lieu of a special referendum, the governing body may specify that~~ provide for the referendum to be held at the next ~~succeeding spring primary or election or partisan primary or general~~ election ~~to be held~~ authorized under s. 8.065 (2) that occurs not earlier than 70 days after the adoption of the resolution of the governing body. The governing body shall file the resolution to be submitted to the electors as provided in s. 8.37.

****NOTE: Do you want to permit voters to consider the resolution at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 1993 a. 16, 490; 1999 a. 150 s. 568; Stats. 1999 s. 59.605; 1999 a. 182 s. 207; 2007 a. 1, 115; 2011 a. 32, 75.

SECTION 16. 60.62 (2) of the statutes is amended to read:

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

****NOTE: Do you want to permit voters to consider the ordinance at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 1983 a. 532; 1995 a. 201; 1997 a. 27; 1999 a. 9, 182; 2005 a. 207; 2009 a. 372.

SECTION 17. 60.74 (5) (b) of the statutes is amended to read:

60.74 **(5)** (b) A petition conforming to the requirements of s. 8.40, signed by qualified electors of the district equal to at least ~~20%~~ 20 percent of the vote cast for governor in the district at the last gubernatorial election, and requesting a change to appointment of commissioners~~,~~ may be submitted to the town board, subject to sub. (5m) (a). The petition shall be filed as provided in s. 8.37. Upon receipt of the petition, the town board shall submit the question to the electors at a referendum to be held ~~at the~~ Plain next ~~regular spring election or general election, or shall call a special~~ election ~~for that purpose~~ authorized under s. 8.065 (2). The inspectors shall count the votes and submit a statement of the results to the commission. The commission

1 shall canvass the results of the election and certify the results to the town board
2 which has authority to appoint commissioners.

****NOTE: Do you want to permit voters to consider the question at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 1983 a. 532; 1987 a. 391; 1989 a. 192, 359; 1993 a. 167; 1999 a. 182.

3 **SECTION 18.** 61.187 (1) of the statutes is amended to read:

4 61.187 **(1)** PROCEDURE. Whenever a petition conforming to the requirements
5 of s. 8.40, signed by at least one–third as many electors of any village as voted for
6 village officers at the next preceding election for village officers in that village, shall
7 be presented to the village board, and filed as provided in s. 8.37, praying for
8 dissolution of the village, the village board shall submit to the electors of the village
9 the question whether or not the village shall be dissolved. The question shall be
10 determined by ballot, in substantially the manner provided by ss. 5.64 (2) and 10.02,
11 at a general election ~~or at a special election called by the village board for that~~
12 ~~purpose~~.

****NOTE: This section requires a vote on a question, but does not explicitly require a referendum. Nevertheless, I amend it to eliminate a vote at a special election. Is that consistent with your intent?

****NOTE: Do you want to permit voters to approve the question at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 1977 c. 29 s. 1654 (8) (c); 1977 c. 273; 1989 a. 192; 1993 a. 301; 1999 a. 182; 2001 a. 107; 2005 a. 391.

13 **SECTION 19.** 61.46 (1) of the statutes is amended to read:

14 61.46 **(1)** GENERAL; LIMITATION. The village board shall, on or before December
15 15 in each year, by resolution to be entered of record, determine the amount of
16 corporation taxes to be levied and assessed on the taxable property in such village
17 for the current year. Before levying any tax for any specified purpose, exceeding one
18 percent of the assessed valuation aforesaid, the village board shall, and in all other
19 cases may in its discretion, submit the question of levying the same to the village
20 electors at any general ~~or special~~ election by giving 10 days' notice thereof prior to

1 such election by publication in a newspaper published in the village, if any, and if
2 there is none, then by posting notices in 3 public places in said village, setting forth
3 in such notices the object and purposes for which such taxes are to be raised and the
4 amount of the proposed tax. The village board shall file the question as provided in
5 s. 8.37.

****NOTE: This section requires a vote on a question, but does not explicitly require a referendum. Nevertheless, I amend it to eliminate a vote at a special election. Is that consistent with your intent?

****NOTE: Do you want to permit voters to approve the question at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

****NOTE: Do you want to require a minimum number of days to pass before the question may be considered (such as "the next election . . . that occurs not fewer than 45 days after the date of the resolution")? See, for example, s. 59.605 (3) (a) 1.

History: 1973 c. 90, 333; 1975 c. 39, 80, 224; 1977 c. 113 ss. 1, 6; 1977 c. 142; 1977 c. 203 s. 101; 1977 c. 418 ss. 389 to 394, 929 (42); 1979 c. 34; 1979 c. 175 s. 51; 1981 c. 20, 61, 93; 1983 a. 27; 1985 a. 29; 1999 a. 182.

6 **SECTION 20.** 62.09 (1) (a) of the statutes is amended to read:

7 62.09 **(1)** (a) The officers shall be a mayor, treasurer, clerk, comptroller,
8 attorney, engineer, one or more assessors unless the city is assessed by a county
9 assessor under s. 70.99, one or more constables as determined by the common
10 council, a local health officer, as defined in s. 250.01 (5), or local board of health, as
11 defined in s. 250.01 (3), street commissioner, board of police and fire commissioners
12 except in cities where not applicable, chief of police except in a city where it is not
13 applicable, chief of the fire department except in a city where it is not applicable, chief
14 of a combined protective services department except in a city where it is not
15 applicable, board of public works, 2 alderpersons from each aldermanic district, and
16 such other officers or boards as are created by law or by the council. If one
17 alderperson from each aldermanic district is provided under s. 66.0211 (1), the
18 council may, by ordinance adopted by a two–thirds vote of all its members and
19 approved by the electors at a general ~~or special~~ election, provide that there shall be
20 2 alderpersons from each aldermanic district. If a city creates a combined protective

services department under s. 62.13 (2e) (a) 1., it shall create the office of chief of such a department and shall abolish the offices of chief of police and chief of the fire department.

****NOTE: This section requires a vote on an ordinance, but does not explicitly require a referendum. Nevertheless, I amend it to eliminate a vote at a special election. Is that consistent with your intent?

****NOTE: Do you want to permit voters to approve the ordinance at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 1971 c. 154, 175; 1971 c. 304 s. 29 (1); 1973 c. 90, 243; 1975 c. 21, 39, 41, 199, 258; 1975 c. 375 s. 44; 1975 c. 421; 1977 c. 29, 151; 1977 c. 305 s. 64; 1979 c. 34, 221, 251; 1981 c. 20, 317; 1983 a. 189 s. 329 (21); 1983 a. 210, 395; 1983 a. 532 ss. 10, 14; 1985 a. 29, 39; 1985 a. 135 s. 83 (5); 1985 a. 225; 1987 a. 27, 181, 378; 1989 a. 31, 56, 113; 1991 a. 39, 316; 1993 a. 27, 184, 490; 1995 a. 225; 1997 a. 27, 257; 1999 a. 32; 1999 a. 150 s. 299, 672; 2001 a. 16; 2003 a. 47, 204; 2005 a. 40; 2009 a. 3, 173; 2011 a. 32.

SECTION 21. 62.13 (6) (b) of the statutes is amended to read:

62.13 **(6)** (b) The provisions of this subsection shall apply only if adopted by the electors. Whenever not less than 70 days prior to ~~a regular city~~ an election specified under s. 8.065 (2) a petition therefor, conforming to the requirements of s. 8.40 and signed by electors equal in number to not less than ~~20%~~ 20 percent of the total vote cast in the city for governor at the last general election, shall be filed with the clerk as provided in s. 8.37, the clerk shall give notice in the manner of notice of the regular city election of a referendum on the adoption of this subsection. Such referendum election shall be held with ~~the regular city~~ any election~~, and~~ authorized under s. 8.065 (2), the ballots shall conform with the provisions of ss. 5.64 (2) and 10.02, and the question shall be "Shall s. 62.13 (6) of the statutes be adopted?"

****NOTE: I replaced the phrase "regular city election" with "any election authorized under s. 8.065 (2)." Okay?

History: 1971 c. 41 s. 12; 1971 c. 213 s. 5; 1975 c. 94 ss. 26, 91 (5); 1975 c. 199; 1977 c. 20; 1977 c. 29 s. 1654 (8) (c); 1977 c. 151, 182, 196; 1981 c. 171, 380; 1981 c. 390 s. 252; 1981 c. 391 s. 211; 1985 a. 135 s. 83 (3), (5); 1985 a. 166; 1987 a. 27; 1989 a. 31, 192; 1991 a. 32, 101, 189; 1993 a. 16, 53, 144, 213; 1995 a. 225, 270; 1999 a. 182; 2003 a. 205; 2005 a. 40; 2009 a. 173; 2011 a. 32, 79.

SECTION 22. 64.03 (1) of the statutes is amended to read:

64.03 **(1)** Every ordinance or resolution for the adoption of ss. 64.01 to 64.15, and every petition for a ~~special election~~ referendum on the same, shall state the number of members of which the council herein provided for shall be composed, the term of office of its members, which term shall not exceed 2 years, whether they shall

be nominated and elected from aldermanic districts or from the city at large, and the compensation, if any, which they shall receive.

****NOTE: Currently, this section refers to a petition for a special election, not a referendum. As amended it refers to a petition for a referendum. Okay?

****NOTE: Do you want to permit voters to consider the ordinance or resolution at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 1971 c. 304 s. 29 (1).

SECTION 23. 64.39 (3) of the statutes is amended to read:

64.39 **(3)** Upon filing such petition, the mayor shall, by proclamation, submit the questions prescribed in sub. (1) at ~~a special~~ the next election ~~to be held at a time specified therein and within 2 months after such petition is filed~~ authorized under s. 8.065 (2). The election upon such question shall be conducted, the vote canvassed, and the result declared in the same manner as provided by law for other city elections.

****NOTE: This section requires a vote on a question, but does not explicitly require a referendum. Nevertheless, I amend it to require that the question be considered at the next election authorized under s. 8.065 (2). Is that consistent with your intent?

****NOTE: Because this subsection required the question to be considered within 2 months, I insert "next" in front of "election. . . authorized under s. 8.065 (2)." Okay?

****NOTE: Do you want to require a minimum number of days to pass before the question may be considered (such as "the next election . . . that occurs not fewer than 45 days after the date of the petition")? See, for example, s. 59.605 (3) (a) 1.

****NOTE: Do you want to permit voters to consider the question at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 1971 c. 304 s. 29 (1); 1985 a. 135 s. 83 (1), (2); 1987 a. 403; 1989 a. 192; 1993 a. 184; 1995 a. 16 s. 2; 1999 a. 182.

SECTION 24. 66.0101 (8) of the statutes is amended to read:

66.0101 **(8)** A charter ordinance enacted or approved by a vote of the electors controls over any prior or subsequent act of the legislative body of the city or village. If the electors of any city or village by a majority vote have adopted or determined to continue to operate under either ch. 62 or 64, or have determined the method of selection of members of the governing board, the question shall not again be submitted to the electors, nor action taken on the question, within a period of 2 years.

Any election to change or amend the charter of any city or village, other than ~~a special~~ an election ~~as provided in~~ called under s. 9.20 (4), shall be held at the time provided by statute for holding the spring election.

History: 1999 a. 150 ss. 18 to 27; Stats. 1999 s. 66.0101; 2011 a. 32.

SECTION 25. 66.0211 (1) of the statutes is amended to read:

66.0211 **(1)** ORDER. The circuit court's order for an incorporation referendum shall specify the voting place and the date of the referendum, which shall be ~~not less than 6 weeks from the date of the order~~ scheduled in accordance with s. 8.065 (2), and name 3 inspectors of election. If the order is for a city incorporation referendum the order shall further specify that 7 alderpersons shall be elected at large from the proposed city. The city council at its first meeting shall determine the number and boundaries of wards in compliance with s. 5.15 (1) and (2), and the combination of wards into aldermanic districts. The number of alderpersons per aldermanic district shall be determined by charter ordinance.

History: 1971 c. 304; 1973 c. 37, 90; 1977 c. 29 s. 1654 (8)(c); 1977 c. 273; 1979 c. 361 s. 112; 1981 c. 4 s. 19; 1981 c. 377; 1993 a. 184; 1995 a. 27, s. 9116 (5); 1999 a. 150 s. 40; Stats. 1999 s. 66.0211; 2011 a. 32.

SECTION 26. 66.0213 (6) of the statutes is amended to read:

66.0213 **(6)** REORGANIZATION OF CITY AS VILLAGE. If the population of any city falls below 1,000 as determined by the United States census, the council may upon filing of a petition conforming to the requirements of s. 8.40 containing the signatures of at least ~~15%~~ 15 percent of the electors submit at any ~~general or city~~ election authorized under s. 8.065 (2) the question whether the city shall reorganize as a village. If three–fifths of the votes cast on the question are for reorganization the mayor and council shall record the return in the office of the register of deeds, file a certified copy with the clerk of the circuit court, and immediately call an election, to be conducted as are village elections, for the election of village officers. Upon the qualification of the officers, the board of trustees shall declare the city reorganized

1 as a village, and the reorganization is effective. The clerk shall certify a copy of the
2 declaration to the secretary of state who shall file the declaration and endorse a
3 memorandum of the declaration on the record of the certificate of incorporation of the
4 city. Rights and liabilities of the city continue in favor of or against the village.
5 Ordinances, so far as within the power of the village, remain in force until changed.

****NOTE: This section requires a vote on a question, but does not explicitly require a referendum. Nevertheless, I amend it to require that the question be considered at any election authorized under s. 8.065 (2). Is that consistent with your intent?

History: 1977 c. 203 s. 106, 1989 a. 192; 1991 a. 32, 316; 1993 a. 301, 329; 1995 a. 16 s. 2; 1995 a. 201, 216; 1999 a. 150 s. 41; Stats. 1999 s. 66.0213; 2011 a. 115, 130; s. 13.92 (2) (i).

6 **SECTION 27.** 66.0215 (2) of the statutes is amended to read:

7 66.0215 **(2)** REFERENDUM. At the next regular meeting of the town board
8 following the filing of the petition under sub. (1), the board by resolution shall provide
9 for a referendum by the electors of the town, which shall be scheduled in accordance
10 with s. 8.065 (2). The resolution shall conform to the requirements of s. 5.15 (1) and
11 (2) and shall determine the numbers and boundaries of each ward of the proposed
12 city and the time of voting, which may not be earlier than 6 weeks after the adoption
13 of the resolution. The resolution may direct that a census be taken of the resident
14 population of the territory on a day not more than 10 weeks previous to the date of
15 the election, exhibiting the name of every head of a family and the name of every
16 person who is a resident in good faith of the territory on that day, and the lot or
17 quarter section of land on which that person resides, which shall be verified by the
18 affixed affidavit of the person taking the census.

History: 1971 c. 304; 1977 c. 29 s. 1654 (8) (c); 1979 c. 89; 1981 c. 4 s. 19; 1981 c. 377; 1983 a. 532 s. 11; Stats. 1983 s. 66.012; 1991 a. 316; 1993 a. 329; 1995 a. 16 s. 2; 1995 a. 201; 1999 a. 150 s. 31; Stats. 1999 s. 66.0215; 2011 a. 115.

19 **SECTION 28.** 66.0217 (3) (b) of the statutes is amended to read:

20 66.0217 **(3)** (b) *Annexation by referendum.* A petition for a referendum on the
21 question of annexation may be filed with the city or village clerk signed by a number
22 of qualified electors residing in the territory equal to at least ~~20%~~ 20 percent of the

1 votes cast for governor in the territory at the last gubernatorial election, and the
2 owners of at least ~~50%~~ 50 percent of the real property either in area or assessed value.
3 The petition shall conform to the requirements of s. 8.40. The referendum shall be
4 scheduled in accordance with s. 8.065 (2).

History: 1973 c. 37, 90, 143, 333; 1977 c. 29 ss. 698, 1654 (8) (c); 1977 c. 187 s. 134; 1977 c. 315, 447; 1979 c. 323; 1979 c. 361 s. 112; 1983 a. 29, 189, 219; 1985 a. 225; 1987 a. 391; 1989 a. 192; 1991 a. 5, 39, 269, 316; 1993 a. 16, 247, 301, 329, 491; 1995 a. 27 ss. 3308 to 3312, 9116 (5), 9145 (1); 1995 a. 201, 225; 1997 a. 27; 1999 a. 96; 1999 a. 150 ss. 44 to 47, 49 to 60, 63 to 65; Stats. 1999 s. 66.0217; 1999 a. 182 s. 197; 2001 a. 16, 30; 2003 a. 171, 317, 327; 2007 a. 43; 2009 a. 366; 2011 a. 75, 128.

5 **SECTION 29.** 66.0217 (7) (a) 3. of the statutes is amended to read:

6 66.0217 **(7)** (a) 3. If the notice indicates that the petition is for a referendum
7 on the question of annexation, the clerk of the city or village shall file the notice as
8 provided in s. 8.37. If the notice indicates that the petition is for a referendum on the
9 question of annexation, the town clerk shall give notice as provided in par. (c) of a
10 referendum of the electors residing in the area proposed for annexation to be held at
11 the next election authorized under s. 8.065 (2) that occurs not less than 70 days ~~nor~~
12 ~~more than 100 days~~ after the date of personal service or mailing of the notice required
13 under this paragraph. If the notice indicates that the petition is for direct
14 annexation, no referendum shall be held unless within 30 days after the date of
15 personal service or mailing of the notice required under this paragraph, a petition
16 conforming to the requirements of s. 8.40 requesting a referendum is filed with the
17 town clerk as provided in s. 8.37, signed by at least ~~20%~~ 20 percent of the electors
18 residing in the area proposed to be annexed. If a petition requesting a referendum
19 is filed, the clerk shall give notice as provided in par. (c) of a referendum of the electors
20 residing in the area proposed for annexation to be held at the next election authorized
21 under s. 8.065 (2) that occurs not less than 70 days ~~nor more than 100 days~~ after the
22 receipt of the petition, and shall mail a copy of the notice to the clerk of the city or

1 village to which the annexation is proposed. The referendum shall be held at a
2 convenient place within the town to be specified in the notice.

History: 1973 c. 37, 90, 143, 333; 1977 c. 29 ss. 698, 1654 (8) (c); 1977 c. 187 s. 134; 1977 c. 315, 447; 1979 c. 323; 1979 c. 361 s. 112; 1983 a. 29, 189, 219; 1985 a. 225; 1987 a. 391; 1989 a. 192; 1991 a. 5, 39, 269, 316; 1993 a. 16, 247, 301, 329, 491; 1995 a. 27 ss. 3308 to 3312, 9116 (5), 9145 (1); 1995 a. 201, 225; 1997 a. 27; 1999 a. 96; 1999 a. 150 ss. 44 to 47, 49 to 60, 63 to 65; Stats. 1999 s. 66.0217; 1999 a. 182 s. 197; 2001 a. 16, 30; 2003 a. 171, 317, 327; 2007 a. 43; 2009 a. 366; 2011 a. 75, 128.

3 **SECTION 30.** 66.0217 (7) (d) of the statutes is amended to read:

4 66.0217 **(7)** (d) *How conducted.* The referendum shall be conducted by the town
5 election officials ~~but the town board may reduce the number of election officials for~~
6 ~~that election~~. The ballots shall contain the words "For annexation" and "Against
7 annexation" and shall otherwise conform to the provisions of s. 5.64 (2). The election
8 shall be conducted as are other town elections in accordance with chs. 6 and 7 to the
9 extent applicable.

History: 1973 c. 37, 90, 143, 333; 1977 c. 29 ss. 698, 1654 (8) (c); 1977 c. 187 s. 134; 1977 c. 315, 447; 1979 c. 323; 1979 c. 361 s. 112; 1983 a. 29, 189, 219; 1985 a. 225; 1987 a. 391; 1989 a. 192; 1991 a. 5, 39, 269, 316; 1993 a. 16, 247, 301, 329, 491; 1995 a. 27 ss. 3308 to 3312, 9116 (5), 9145 (1); 1995 a. 201, 225; 1997 a. 27; 1999 a. 96; 1999 a. 150 ss. 44 to 47, 49 to 60, 63 to 65; Stats. 1999 s. 66.0217; 1999 a. 182 s. 197; 2001 a. 16, 30; 2003 a. 171, 317, 327; 2007 a. 43; 2009 a. 366; 2011 a. 75, 128.

10 **SECTION 31.** 66.0219 (4) (b) of the statutes is amended to read:

11 66.0219 **(4)** (b) The referendum election shall be held <u>at the next election</u>
12 <u>authorized under s. 8.065 (2) that occurs</u> not less than 70 days ~~nor more than 100~~
13 ~~days~~ after the filing of the order as provided in s. 8.37, in the territory proposed for
14 annexation, by the electors of that territory as provided in s. 66.0217 (7), so far as
15 applicable. The ballots shall contain the words "For Annexation" and "Against
16 Annexation". The certification of the election inspectors shall be filed with the clerk
17 of the court, and the clerk of any municipality involved, but need not be filed or
18 recorded with the register of deeds.

History: 1979 c. 89; 1987 a. 391; 1991 a. 269; 1993 a. 301, 329; 1995 a. 201; 1999 a. 150 s. 68; Stats. 1999 s. 66.0219; 1999 a. 182 s. 200; 2001 a. 30; 2003 a. 171, 317; 2007 a. 43; 2011 a. 75.

19 **SECTION 32.** 66.0225 (2) of the statutes is amended to read:

20 66.0225 **(2)** CONTESTED ANNEXATIONS. Any 2 municipalities whose boundaries
21 are immediately adjacent at any point and who are parties to an action, proceeding,
22 or appeal in court for the purpose of testing the validity of an annexation may enter

1 into a written stipulation, compromising and settling the litigation and determining
2 the portion of the common boundary line between the municipalities that is the
3 subject of the annexation. The court having jurisdiction of the litigation, whether the
4 circuit court, the court of appeals, or the supreme court, may enter a final judgment
5 incorporating the provisions of the stipulation and fixing the common boundary line
6 between the municipalities involved. A stipulation changing boundaries of
7 municipalities shall be approved by the governing body of each municipality and s.
8 66.0217 (9) and (11) shall apply. A change of municipal boundaries under this section
9 is subject to a referendum of the electors residing within the territory whose
10 jurisdiction is subject to change under the stipulation, if within 30 days after the
11 publication of the stipulation to change boundaries in a newspaper of general
12 circulation in that territory, a petition for a referendum conforming to the
13 requirements of s. 8.40 signed by at least ~~20%~~ 20 percent of the electors residing
14 within that territory is filed with the clerk of the municipality from which the greater
15 area is proposed to be removed and is filed as provided in s. 8.37. The referendum
16 shall be held at the next election authorized under s. 8.065 (2) and conducted as are
17 annexation referenda. If the referendum election fails, all proceedings under this
18 section are void.

History: 1977 c. 187; 1989 a. 192; 1991 a. 269; 1999 a. 150 s. 71; Stats. 1999 s. 66.0225; 1999 a. 182 s. 201; 1999 a. 186; 2001 a. 30; 2007 a. 43.

19 **SECTION 33.** 66.0227 (3) of the statutes is amended to read:

20 66.0227 **(3)** The governing body of a city, village, or town involved may~~, or if~~
21 submit the question to the electors of the city, village, or town whose electors
22 petitioned for detachment at a referendum election called for that purpose. If a
23 petition conforming to the requirements of s. 8.40, signed by a number of qualified
24 electors equal to at least ~~5%~~ 5 percent of the votes cast for governor in the city, village,

1 or town at the last gubernatorial election, and demanding a referendum~~,~~ is presented
2 to ~~it~~ the governing body of a city, village, or town involved within 30 days after the
3 passage of either of the ordinances under sub. (2), the governing body shall~~,~~ submit
4 the question to the electors of the city, village, or town whose electors petitioned for
5 detachment~~,~~ at a referendum election called for that purpose. A referendum called
6 under this subsection shall be held at the next election authorized under s. 8.065 (2)
7 that occurs not less than 70 days ~~nor more than 100 days~~ after the filing of the
8 petition~~,~~ or ~~after~~ the enactment of either ordinance. The petition shall be filed as
9 provided in s. 8.37. If a number of electors cannot be determined on the basis of
10 reported election statistics, the number shall be determined in accordance with s.
11 60.74 (6). The governing body of the municipality shall appoint 3 election inspectors
12 who are resident electors to supervise the referendum. The ballots shall contain the
13 words "For Detachment" and "Against Detachment". The inspectors shall certify the
14 results of the election by their attached affidavits and file a copy with the clerk of each
15 town, village, or city involved, and none of the ordinances may take effect nor be in
16 force unless a majority of the electors approve the question. The referendum election
17 shall be conducted in accordance with chs. 6 and 7 to the extent applicable.

History: 1973 c. 90; 1983 a. 29; 1987 a. 391; 1989 a. 192; 1991 a. 5, 269; 1993 a. 301; 1999 a. 150 s. 66; Stats. 1999 s. 66.0227; 1999 a. 182 s. 198; 2001 a. 30; 2007 a. 43; 2011 a. 75.

18 **SECTION 34.** 66.0305 (6) (b) of the statutes is amended to read:

19 66.0305 **(6)** (b) The advisory referendum shall be held at the next election
20 authorized under s. 8.065 (2) that occurs not less than 70 days ~~nor more than 100~~
21 ~~days~~ after adoption of the resolution under par. (a) calling for the referendum or not
22 less than 70 days ~~nor more than 100 days~~ after receipt of the petition under par. (a)
23 by the municipal or county clerk. The municipal or county clerk shall give notice of
24 the referendum by publishing a notice in a newspaper of general circulation in the

political subdivision, both on the publication day next preceding the advisory referendum election and one week prior to that publication date.

History: 1995 a. 270; 1999 a. 150 s. 72; Stats. 1999 s. 66.0305; 1999 a. 182 s. 202; 2005 a. 98; 2007 a. 43; 2011 a. 75.

SECTION 35. 66.0307 (4) (e) 2. of the statutes is amended to read:

66.0307 **(4)** (e) 2. The advisory referendum shall be held at the next election authorized under s. 8.065 (2) that occurs not less than 70 days ~~nor more than 100 days~~ after adoption of the resolution under subd. 1. calling for the referendum or not less than 70 days ~~nor more than 100 days~~ after receipt of the petition by the municipal clerk. The municipal clerk shall give notice of the referendum by publishing a notice in a newspaper of general circulation in the municipality, both on the publication day next preceding the advisory referendum election and one week prior to that publication date.

History: 1991 a. 269; 1993 a. 213, 301, 329, 399; 1995 a. 35, 201, 216, 227; 1997 a. 27, 35; 1999 a. 150 s. 67; Stats. 1999 s. 66.0307; 1999 a. 182 s. 199; 2001 a. 30; 2007 a. 43; 2009 a. 28; 2011 a. 75.

SECTION 36. 66.0602 (4) (a) of the statutes is amended to read:

66.0602 **(4)** (a) A political subdivision may exceed the levy increase limit under sub. (2) if its governing body adopts a resolution to that effect and if the resolution is ~~approved in~~ submitted to the electors of the political subdivision for approval or rejection at a referendum. The resolution shall specify the proposed amount of increase in the levy beyond the amount that is allowed under sub. (2), and shall specify whether the proposed amount of increase is for the next fiscal year only or if it will apply on an ongoing basis. ~~With regard to a referendum relating to the 2005 levy, or any levy in an odd–numbered year thereafter, the political subdivision may call a special referendum for the purpose of submitting the resolution to the electors of the political subdivision for approval or rejection. With regard to a referendum relating to the 2006 levy, or any levy in an even–numbered year thereafter, the~~ The political subdivision shall hold the referendum ~~shall be held~~ at the next succeeding

2 unstrick spaces

~~spring primary or election or partisan primary or general~~ plain election authorized under s. 8.065 (2).

****NOTE: Do you want to permit voters to consider the resolution at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 2005 a. 25, 484; 2007 a. 20, 115, 129; 2009 a. 28; 2011 a. 32, 63, 75, 140, 145, 258; s. 13.92 (1) (bm) 2.

SECTION 37. 66.0619 (2m) (b) of the statutes is amended to read:

66.0619 **(2m)** (b) If a referendum is to be held on a resolution, the municipal governing body shall file the resolution as provided in s. 8.37 and shall direct the municipal clerk to ~~call a special election for the purpose of submitting~~ submit the resolution to the electors for approval or rejection at a referendum ~~on approval or rejection. In lieu of a special election, the municipal governing body may specify that the election be held at the next succeeding spring primary or election or partisan primary or general~~ held at the next election authorized under s. 8.065 (2).

****NOTE: Do you want to permit voters to consider the resolution at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 1971 c. 188; 1975 c. 62, 197; 1983 a. 24, 189; 1983 a. 207 s. 93 (4); 1989 a. 192; 1999 a. 150 s. 162; Stats. 1999 s. 66.0619; 1999 a. 182 s. 203; 2011 a. 75.

SECTION 38. 66.0815 (1) (c) of the statutes is amended to read:

66.0815 **(1)** (c) An ordinance under sub. (1) may not take effect until 60 days after passage and publication unless sooner approved by a referendum. Within the 60–day period electors equal in number to ~~20%~~ 20 percent of those voting at the last regular municipal election may file a petition requesting a referendum. The petition shall be in writing and filed with the clerk and as provided in s. 8.37. The petition shall conform to the requirements of s. 8.40. Each signer shall state his or her residence and signatures shall be verified by the affidavit of an elector. The referendum shall be held at the next ~~regular municipal~~ plain election~~, or at a special election within 90 days of the filing of the petition~~ authorized under s. 8.065 (2). The ordinance may not take effect unless approved by a majority of the votes cast. This

paragraph does not apply to extensions by a utility previously franchised by the village, city, or town.

****NOTE: In this section I strike the requirement that the election be held within 90 days of the filing of the petition. Okay?

****NOTE: Do you want to permit voters to consider the ordinance at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

****NOTE: Do you want to require a minimum number of days to pass before the question may be considered (such as "the next election . . . that occurs not fewer than 45 days after the date of the petition")? See, for example, s. 59.605 (3) (a) 1.

History: 1977 c. 29; 1981 c. 347 s. 80 (2); 1981 c. 390 s. 252; 1991 a. 316; 1993 a. 16, 246; 1995 a. 378; 1999 a. 150 s. 169; Stats. 1999 s 66.0815; 1999 a. 182 s. 204d; 2001 a. 30.

SECTION 39. 66.0921 (2) of the statutes is amended to read:

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

****NOTE: Do you want to permit voters to consider the question at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 1983 a. 27; 1985 a. 39; 1993 a. 399; 1997 a. 79; 1999 a. 150 s. 488; Stats. 1999 s. 66.0921; 2011 a. 75.

SECTION 40. 66.1103 (10) (d) of the statutes is amended to read:

66.1103 **(10)** (d) The governing body may issue bonds under this section without submitting the proposition to the electors of the municipality or county for approval unless within 30 days from the date of publication of notice of adoption of the initial resolution for the bonds, a petition conforming to the requirements of s. 8.40, signed by not less than ~~5%~~ 5 percent of the registered electors of the municipality or county, or, if there is no registration of electors in the municipality or county, by ~~10%~~ 10 percent of the number of electors of the municipality or county voting for the office of governor at the last general election as determined under s.

115.01 (13), is filed with the clerk of the municipality or county and as provided in s. 8.37 requesting a referendum upon the question of the issuance of the bonds. If a petition is filed, the bonds may not be issued until approved by a majority of the electors of the municipality or county voting on the referendum at ~~a general or special~~ any election authorized under s. 8.065 (2).

****NOTE: Do you want to permit voters to consider the petition at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 1973 c. 265; 1977 c. 28; 1979 c. 32 s. 92 (9); 1979 c. 34, 221, 350, 355; 1979 c. 361 s. 112; 1979 c. 362 ss. 3 to 12, 16, 17, 18; 1981 c. 314; 1983 a. 24, 27; 1983 a. 189 ss. 63 to 65, 329 (14); 1983 a. 207 s. 93 (8); 1983 a. 532 s. 36; 1985 a. 29, 222, 285; 1985 a. 297 s. 76; 1985 a. 299; 1987 a. 27; 1989 a. 192; 1991 a. 39, 316; 1993 a. 122, 124, 453; 1995 a. 27 ss. 9116 (5), 9130 (4); 1995 a. 201, 225, 227, 332; 1997 a. 3, 27, 35, 39; 1999 a. 9; 1999 a. 150 ss. 495 to 497; Stats. 1999 s. 66.1103; 1999 a. 182 s. 206; 2001 a. 30, 38, 103; 2009 a. 28, 112, 173, 401; 2011 a. 32, 214, 258.

SECTION 41. 66.1113 (2) (g) of the statutes is amended to read:

66.1113 **(2)** (g) The village of Sister Bay may enact an ordinance or adopt a resolution declaring itself to be a premier resort area under par. (a) even if less than 40 percent of the equalized assessed value of the taxable property within Sister Bay is used by tourism–related retailers. The village may not impose the tax authorized under par. (b) unless the village board adopts a resolution proclaiming its intent to impose the tax and the resolution is approved by a majority of the electors in the village voting on the resolution at a referendum, to be held at ~~the first spring primary or election or partisan primary or general~~ any election ~~following~~ authorized under s. 8.065 (2) that follows by at least 70 days the date of adoption of the resolution.

History: 1997 a. 27; 1999 a. 150 s. 364; Stats. 1999 s. 66.1113; 2001 a. 16, 109; 2005 a. 440; 2009 a. 28; 2011 a. 75, 115.

SECTION 42. 66.1113 (2) (h) of the statutes is amended to read:

66.1113 **(2)** (h) The village of Ephraim may enact an ordinance or adopt a resolution declaring itself to be a premier resort area under par. (a) even if less than 40 percent of the equalized assessed value of the taxable property within Ephraim is used by tourism–related retailers. The village may not impose the tax authorized under par. (b) unless the village board adopts a resolution proclaiming its intent to impose the tax and the resolution is approved by a majority of the electors in the

village voting on the resolution at a referendum, to be held at ~~the first spring primary or election or partisan primary or general~~ any election ~~following~~ authorized under s. 8.065 (2) that follows by at least 70 days the date of adoption of the resolution.

History: 1997 a. 27; 1999 a. 150 s. 364; Stats. 1999 s. 66.1[illegible]; 2001 a. 16, 109; 2005 a. 440; 2009 a. 28; 2011 a. 75, 115.

SECTION 43. 67.05 (3) (a) 2. of the statutes is repealed.

SECTION 44. 67.05 (3) (a) 4. of the statutes is repealed.

SECTION 45. 67.05 (3) (f) of the statutes is amended to read:

67.05 **(3)** (f) If a special purpose district calls a referendum under this section, the governing body shall call the referendum to be held in conjunction with ~~a state, county, municipal or judicial~~ an election~~, the~~ authorized under s. 8.065 (2). The polling places for the ~~state, county, municipal or judicial~~ election shall be the polling places for the special purpose district referendum and the municipal election hours shall apply. ~~If no state, county, municipal or judicial election is held on the day of the special purpose district referendum, the governing body of the special purpose district may select the polling places to be used, except as otherwise provided in s. 120.06 (9) (b) in the case of a school district. If a polling place located in the special purpose district that was utilized at the most recent spring or general election is not utilized by the special purpose district, the governing body of the special purpose district shall post a notice on the door of the polling place indicating all polling places open for voting.~~ The municipal clerk of each municipality in which a polling place is located shall provide the necessary equipment to operate the polling place.

History: 1971 c. 29; 1971 c. 154 ss. 41, 80; 1971 c. 211, 295; 1973 c. 23; 1975 c. 182, 311, 422; 1977 c. 26; 1977 c. 29 ss. 733, 734, 1654 (8) (c); 1977 c. 427 s. 132; 1979 c. 221, 297, 311; 1981 c. 20, 282, 377, 391; 1983 a. 207 ss. 47 to 52, 93 (5), (6), (7), 95; 1983 a. 236 s. 13; 1983 a. 532 s. 36; 1983 a. 538; 1985 a. 187, 225, 304; 1987 a. 197; 1987 a. 391; 1989 a. 31, 192, 205; 1991 a. 49; 1993 a. 399; 1995 a. 378; 1997 a. 237, 286; 1999 a. 9; 1999 a. 150 ss. 622, 672; 1999 a. 182; 2001 a. 16; 2005 a. 333; 2007 a. 1; 2009 a. 28; 2011 a. 32, 75.

SECTION 46. 67.05 (4) of the statutes is amended to read:

67.05 **(4)** PERMISSIVE REFERENDUM IN COUNTIES. If a county board adopts an initial resolution for an issue of county bonds to provide for the original construction

or for the improvement and maintenance of highways~~,~~; to provide railroad aid~~,~~; or to construct, acquire, or maintain, or to aid in constructing, acquiring, or maintaining, a bridge over or across any stream or other body of water bordering upon or intersecting any part of the county, the county clerk is not required to submit the resolution for approval to the electors of the county at a ~~special election~~ referendum unless within 30 days after the adoption thereof there is filed with the clerk a petition conforming to the requirements of s. 8.40 requesting such submission, signed by electors numbering at least ~~10%~~ 10 percent of the votes cast in the county for governor at the last general election. If a petition is filed, the county board shall hold the referendum at any election authorized under s. 8.065 (2), and the question submitted shall be whether the resolution shall be or shall not be approved. No such resolution of a county board other than those specified in this subsection need be submitted to county electors, except as provided otherwise in sub. (7).

****NOTE: Do you want to permit voters to consider the resolution at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 1971 c. 29; 1971 c. 154 ss. 41, 80; 1971 c. 211, 295; 1973 c. 23; 1975 c. 182, 311, 422; 1977 c. 26; 1977 c. 29 ss. 733, 734, 1654 (8) (c); 1977 c. 427 s. 132; 1979 c. 221, 297, 311; 1981 c. 20, 282, 377, 391; 1983 a. 207 ss. 47 to 52, 93 (5), (6), (7), 95; 1983 a. 236 s. 13; 1983 a. 532 s. 36; 1983 a. 538; 1985 a. 187, 225, 304; 1987 a. 197; 1987 a. 391; 1989 a. 31, 192, 205; 1991 a. 49; 1993 a. 399; 1995 a. 378; 1997 a. 237, 286; 1999 a. 9; 1999 a. 150 ss. 622, 672; 1999 a. 182; 2001 a. 16; 2005 a. 333; 2007 a. 1; 2009 a. 28; 2011 a. 32, 75.

SECTION 47. 67.05 (5) (a) of the statutes is amended to read:

67.05 **(5)** (a) Whenever a town board adopts an initial resolution ~~has been so adopted by the governing body of a town~~, the town clerk ~~of the municipality~~ shall immediately record the resolution and shall call a plain ~~special election~~ referendum for the purpose of submitting the resolution to the electors of the ~~municipality~~ town for approval or rejection. The referendum shall be held at an election authorized under s. 8.065 (2). ~~This paragraph does not apply to bonds issued to finance low-interest mortgage loans under s. 62.237, unless a number of electors equal to at least 15% of the votes cast for governor at the last general election in their town sign and file a~~

PS: the stricken period immediately follows "approval" – no space between them.

move text to 26-5

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

Insert text from 25-19 and 25-20

****NOTE: The opening clause of this paragraph under current law relates to a resolution adopted by the governing body of a town. For that reason, I strike three sentences in the body of this paragraph that seem misplaced; these sentences reference s. 62.237, which applies only to cities with a population greater than 75,000. I also simplify the references to the governing body of a town by substituting "town board." Let me know if you have any questions about these changes.

****NOTE: Do you want to permit voters to consider the resolution at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

****NOTE: Do you want to require a minimum amount of time between the adoption of an initial resolution and the election at which the referendum will be held?

History: 1971 c. 29; 1971 c. 154 ss. 41, 80; 1971 c. 211, 295; 1973 c. 23; 1975 c. 182, 311, 422; 1977 c. 26; 1977 c. 29 ss. 733, 734, 1654 (8) (c); 1977 c. 427 s. 132; 1979 c. 221, 297, 311; 1981 c. 20, 282, 377, 391; 1983 a. 207 ss. 47 to 52, 93 (5), (6), (7), 95; 1983 a. 236 s. 13; 1983 a. 532 s. 36; 1983 a. 538; 1985 a. 187, 225, 304; 1987 a. 197; 1987 a. 391; 1989 a. 31, 192, 205; 1991 a. 49; 1993 a. 399; 1995 a. 378; 1997 a. 237, 286; 1999 a. 9; 1999 a. 150 ss. 622, 672; 1999 a. 182; 2001 a. 16; 2005 a. 333; 2007 a. 1; 2009 a. 28; 2011 a. 32, 75.

7 **SECTION 48.** 67.05 (5) (b) of the statutes is renumbered 67.05 (5) (b) 1. and
8 amended to read:

9 67.05 **(5)** (b) 1. No city or village may issue bonds for any purposes other than
10 for water systems~~,~~; lighting works~~,~~; gas works~~,~~; bridges~~,~~; street lighting~~,~~; street
11 improvements~~,~~; street improvement funding~~,~~; hospitals~~,~~; airports~~,~~; harbor
12 improvements~~,~~; river improvements~~,~~; breakwaters and protection piers~~,~~; sewerage~~,~~;
13 garbage disposal~~,~~; rubbish or refuse disposal~~,~~; any combination of sewage, garbage,
14 or refuse or rubbish disposal~~,~~; parks and public grounds~~,~~; swimming pools and band
15 shells~~,~~; veterans housing projects~~,~~; paying the municipality's portion of the cost of
16 abolishing grade crossings~~,~~; for the construction of police facilities and combined fire
17 and police safety buildings~~,~~; for the purchase of sites for engine houses~~,~~; for fire
18 engines and other equipment of the fire department~~,~~; for construction of engine

houses~~,~~; and for pumps, water mains, reservoirs and all other reasonable facilities for fire protection apparatus or equipment for fire protection~~,~~; for parking lots or other parking facilities~~,~~; for school purposes~~,~~; for libraries~~,~~; for buildings for the housing of machinery and equipment~~,~~; for acquiring and developing sites for industry and commerce as will expand the municipal tax base~~,~~; subject to subd. 2., for financing the cost of low–interest mortgage loans under s. 62.237~~,~~; for providing financial assistance to blight elimination, slum clearance, community development, redevelopment, and urban renewal programs and projects under ss. 66.1105, 66.1301 to 66.1329, and 66.1331 to 66.1337~~,~~; to issue appropriation bonds under s. 62.62 to pay unfunded prior service liability with respect to an employee retirement system~~,~~; or for University of Wisconsin System college campuses, as defined in s. 36.05 (6m), until the proposition for their issue for the special purpose has been submitted to the electors of the city or village and adopted by a majority vote. Except as provided under sub. (15), if the common council of a city or the village board of a village declares its purpose to raise money by issuing bonds for any purpose other than those specified in this subsection, it shall direct by resolution, which shall be recorded at length in the record of its proceedings, the clerk to call a ~~special election~~ referendum for the purpose of submitting the question of bonding to the city or village electors. ~~If~~ The referendum shall be held at the next succeeding election authorized under s. 8.065 (2).

****NOTE: Do you want to permit voters to consider the question at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

2. If the governing body of a municipality, as defined in s. 62.237 (1) (d), adopts an initial resolution to issue bonds for financing the cost of low–interest loans under s. 62.237 and a number of electors of ~~a city or village~~ that municipality equal to at

15 percent

1 least ~~15%~~ of the votes cast for governor at the last general election in ~~their city or~~
2 ~~village~~ that municipality sign and file a petition conforming to the requirements of
3 s. 8.40 with the ~~city or village~~ clerk of that municipality requesting submission of the
4 resolution, ~~the city or village~~ that municipality may not issue bonds for financing the
5 cost of low–interest mortgage loans under s. 62.237 without calling a ~~special election~~
6 ~~to submit~~ referendum for the purposes of submitting the question of bonding to the
7 ~~city or village~~ electors of that municipality for their approval. The referendum shall
8 be held at the next succeeding election authorized under s. 8.065 (2).

****NOTE: I have eliminated the references to "city or village" in this paragraph to reflect changes made to s. 66.38, 1983 stats., by 1983 Wisconsin Act 27. Specifically, 1983 Act 27 changed the definition of municipality under s. 66.38 (1) (d), 1983 stats., to mean "any city with a population greater than 75,000." Section 66.38, 1983 stats., was renumbered s. 62.237 by 1983 Wisconsin Act 207, s. 1155n. The references in this paragraph to the electors of a "city or village" with respect to a low–interest mortgage loan under s. 62.237 are, therefore, inaccurate. Let me know if you have any questions about these changes.

****NOTE: Do you want to permit voters to consider the question at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 1971 c. 29; 1971 c. 154 ss. 41, 80; 1971 c. 211, 295; 1973 c. 23; 1975 c. 182, 311, 422; 1977 c. 26; 1977 c. 29 ss. 733, 734, 1654 (8) (c); 1977 c. 427 s. 132; 1979 c. 221, 297, 311; 1981 c. 20, 282, 377, 391; 1983 a. 207 ss. 47 to 52, 93 (5), (6), (7), 95; 1983 a. 236 s. 13; 1983 a. 532 s. 36; 1983 a. 538; 1985 a. 187, 225, 304; 1987 a. 197; 1987 a. 391; 1989 a. 31, 192, 205; 1991 a. 49; 1993 a. 399; 1995 a. 378; 1997 a. 237, 286; 1999 a. 9; 1999 a. 150 ss. 622, 672; 1999 a. 182; 2001 a. 16; 2005 a. 333; 2007 a. 1; 2009 a. 28; 2011 a. 32, 75.

9 **SECTION 49.** 67.05 (6a) (a) 2. a. of the statutes is amended to read:

10 67.05 **(6a)** (a) 2. a. Direct the school district clerk to ~~call a special election for~~
11 ~~the purpose of submitting~~ submit the resolution to the electors for approval or
12 rejection~~, or direct that the resolution be submitted~~ at the next ~~regularly scheduled~~
13 ~~primary or~~ election ~~to be held~~ authorized under s. 8.065 (2) that occurs not earlier
14 than 45 days after the adoption of the resolution. The resolution shall not be effective
15 unless adopted by a majority of the school district electors voting at the referendum.

****NOTE: Do you want to permit voters to consider the resolution at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 1971 c. 29; 1971 c. 154 ss. 41, 80; 1971 c. 211, 295; 1973 c. 23; 1975 c. 182, 311, 422; 1977 c. 26; 1977 c. 29 ss. 733, 734, 1654 (8) (c); 1977 c. 427 s. 132; 1979 c. 221, 297, 311; 1981 c. 20, 282, 377, 391; 1983 a. 207 ss. 47 to 52, 93 (5), (6), (7), 95; 1983 a. 236 s. 13; 1983 a. 532 s. 36; 1983 a. 538; 1985 a. 187, 225, 304; 1987 a. 197; 1987 a. 391; 1989 a. 31, 192, 205; 1991 a. 49; 1993 a. 399; 1995 a. 378; 1997 a. 237, 286; 1999 a. 9; 1999 a. 150 ss. 622, 672; 1999 a. 182; 2001 a. 16; 2005 a. 333; 2007 a. 1; 2009 a. 28; 2011 a. 32, 75.

16 **SECTION 50.** 67.05 (6m) (b) of the statutes is amended to read:

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

****NOTE: Do you want to permit voters to consider the resolution at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 1971 c. 29; 1971 c. 154 ss. 41, 80; 1971 c. 211, 295; 1973 c. 23; 1975 c. 182, 311, 422; 1977 c. 26; 1977 c. 29 ss. 733, 734, 1654 (8) (c); 1977 c. 427 s. 132; 1979 c. 221, 297, 311; 1981 c. 20, 282, 377, 391; 1983 a. 207 ss. 47 to 52, 93 (5), (6), (7), 95; 1983 a. 236 s. 13; 1983 a. 532 s. 36; 1983 a. 538; 1985 a. 187, 225, 304; 1987 a. 197; 1987 a. 391; 1989 a. 31, 192, 205; 1991 a. 49; 1993 a. 399; 1995 a. 378; 1997 a. 237, 286; 1999 a. 9; 1999 a. 150 ss. 622, 672; 1999 a. 182; 2001 a. 16; 2005 a. 333; 2007 a. 1; 2009 a. 28; 2011 a. 32, 75.

SECTION 51. 67.10 (5) (b) of the statutes is amended to read:

67.10 **(5)** (b) Any city having ~~voted~~ approved the issuance of bonds at a ~~special~~ referendum ~~election~~ held in accordance with s. 8.065 (2) and having sold a portion thereof may negotiate, sell, or otherwise dispose of the same in the manner provided by statute within 9 years of the date of the ~~election~~ ~~voting~~ referendum ~~voting~~ approving the same.

History: 1975 c. 221; 1977 c. 150; 1979 c. 90; 1981 c. 282; 1983 a. 24, 207; 1987 a. 197; 1989 a. 366; 1995 a. 225; 1999 a. 150 s. 672; 2001 a. 30.

SECTION 52. 67.12 (12) (e) 2. of the statutes is amended to read:

67.12 **(12)** (e) 2. Unless the purpose and amount of the borrowing have been approved by the electors under s. 67.05 (6a) or deemed approved by the electors under s. 67.05 (7) (d) 3., the purpose is to refund any outstanding municipal obligation, the purpose is to pay unfunded prior service liability contributions under the Wisconsin retirement system if all of the proceeds of the note will be used for that purpose, the borrowing would not be subject to a referendum as a bond issue under s. 67.05 (7) (cc), (h) or (i), or subd. 2g. or par. (f) or (h) applies, the school district clerk shall, within 10 days after a school board adopts a resolution under subd. 1. to issue a promissory note in excess of $5,000, publish notice of such adoption as a class 1 notice, under ch.

985. Alternatively, the notice may be posted as provided under s. 10.05. The notice need not set forth the full contents of the resolution, but shall state the maximum amount proposed to be borrowed, the purpose thereof, that the resolution was adopted under this subsection, and the place where, and the hours during which, the resolution may be inspected. If, within 30 days after publication or posting, a petition conforming to the requirements of s. 8.40 is filed with the school district clerk for a referendum on the resolution signed by at least 7,500 electors of the district or at least ~~20%~~ 20 percent of the number of district electors voting for governor at the last general election, as determined under s. 115.01 (13), whichever is the lesser, then the resolution shall not be effective unless adopted by a majority of the district electors voting at the referendum. The referendum shall be held at ~~at~~ an election authorized under s. 8.065 (2) and called in the manner provided under s. 67.05 (6a), except that the question which appears on the ballot shall be "Shall .... (name of district) borrow the sum of $.... for (state purpose) by issuing its general obligation promissory note (or notes) under section 67.12 (12) of the Wisconsin Statutes?".

****NOTE: Do you want to require the election to be held at the next succeeding election? Or an election that occurs not less than a certain number of days after the filing of the petition? See, for example, s. 67.12 (12) (e) 5., below.

History: 1971 c. 49, 144; 1971 c. 152 s. 38; 1971 c. 164, 215; 1973 c. 172, 250; 1975 c. 311; 1977 c. 29; 1977 c. 272 s. 98; 1977 c. 418; 1979 c. 34; 1979 c. 110 s. 60 (13); 1979 c. 221, 297; 1981 c. 20, 254; 1981 c. 282 ss. 29, 45; 1981 c. 314; 1983 a. 24, 27, 192, 207, 368, 538; 1985 a. 101, 225; 1987 a. 197, 391, 399, 403; 1989 a. 31, 56, 192, 336, 366; 1991 a. 32, 49; 1993 a. 399; 1995 a. 27, 227, 232, 358; 1997 a. 35, 286; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 182; 2001 a. 16; 2003 a. 43; 2007 a. 115, 188; 2009 a. 28, 180; 2011 a. 32, 75.

SECTION 53. 67.12 (12) (e) 5. of the statutes is amended to read:

67.12 **(12)** (e) 5. Within 10 days of the adoption by a technical college district board of a resolution under subd. 1. to issue a promissory note for a purpose under s. 38.16 (2), the secretary of the district board shall publish a notice of such adoption as a class 1 notice, under ch. 985. The notice need not set forth the full contents of the resolution, but shall state the amount proposed to be borrowed, the method of borrowing, the purpose thereof, that the resolution was adopted under this

subsection and the place where and the hours during which the resolution is available for public inspection. If the amount proposed to be borrowed is for building remodeling or improvement and does not exceed $1,500,000 or is for movable equipment, the district board need not submit the resolution to the electors for approval unless, within 30 days after the publication or posting, a petition conforming to the requirements of s. 8.40 is filed with the secretary of the district board requesting a referendum ~~at a special election to be called for that purpose~~. Such petition shall be signed by electors from each county lying wholly or partially within the district. The number of electors from each county shall equal at least ~~1.5%~~ 1.5 percent of the population of the county as determined under s. 16.96 (2) (c). If a county lies in more than one district, the technical college system board shall apportion the county's population as determined under s. 16.96 (2) (c) to the districts involved and the petition shall be signed by electors equal to the appropriate percentage of the apportioned population. ~~In lieu of a special election, the~~ The district board ~~may~~ shall ~~specify that~~ have hold the referendum ~~shall be held~~ at the next succeeding ~~spring primary or election or partisan primary or general~~ election authorized under s. 8.065 (2). Any resolution to borrow amounts of money in excess of $1,500,000 for building remodeling or improvement shall be submitted to the electors of the district for approval. If a referendum is held or required under this subdivision, no promissory note may be issued until the issuance is approved by a majority of the district electors voting at such referendum. The referendum shall be noticed, called, and conducted under s. 67.05 (6a) insofar as applicable, except that the plain ~~notice of special election and ballot need not embody a copy of the resolution and the~~ question which shall appear on the ballot shall be "Shall .... (name of district) be authorized to borrow the sum of $.... for (state purpose) by issuing its general

1 obligation promissory note (or notes) under section 67.12 (12) of the Wisconsin
2 Statutes?"

****NOTE: Do you want to permit voters to consider the resolution at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 1971 c. 49, 144; 1971 c. 152 s. 38; 1971 c. 164, 215; 1973 c. 172, 250; 1975 c. 311; 1977 c. 29; 1977 c. 272 s. 98; 1977 c. 418; 1979 c. 34; 1979 c. 110 s. 60 (13); 1979 c. 221, 297; 1981 c. 20, 254; 1981 c. 282 ss. 29, 45; 1981 c. 314; 1983 a. 24, 27, 192, 207, 368, 538; 1985 a. 101, 225; 1987 a. 197, 391, 399, 403; 1989 a. 31, 56, 192, 336, 366; 1991 a. 32, 49; 1993 a. 399; 1995 a. 27, 227, 2~~2~~ 358; 1997 a. 35, 286; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 182; 2001 a. 16; 2003 a. 43; 2007 a. 115, 188; 2009 a. 28, 180; 2011 a. 32, 75.

3 **SECTION 54.** 82.03 (2) (b) of the statutes is amended to read:

4 82.03 **(2)** (b) The town board, by resolution, submits to the electors of the town
5 as a referendum at ~~a general or special town~~ an election authorized under s. 8.065
6 (2) the question of exceeding the limit set under this subsection. A copy of the
7 resolution shall be filed as provided in s. 8.37. The board shall abide by the majority
8 vote of the electors of the town on the question. The question shall read as follows:
9 Shall the town of .... spend up to $.... over ...., which is the annual limit of the
10 product of $5,000 multiplied by the miles of highway under the jurisdiction of the
11 town measured by the most recent highway mileage for the town, as determined
12 under section 86.302 of the Wisconsin Statutes, for the construction, maintenance,
13 and repair of its highways and bridges?

14 FOR SPENDING ☐ AGAINST SPENDING ☐

****NOTE: Do you want to permit voters to consider the resolution at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

History: 2003 a. 214 ss. 106 to 116, 122, 150, 155, 1~~5~~6; 2005 a. 253.

15 **SECTION 55.** 86.21 (2) (a) of the statutes is amended to read:

16 86.21 **(2)** (a) Before any such toll bridge is constructed or acquired under this
17 section, a resolution authorizing the construction or acquisition thereof, and
18 specifying the method of payment therefor, shall be adopted by a majority of the
19 members of the governing body of such county, town, village, or city at a regular
20 meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The
21 resolution shall include a general description of the property it is proposed to acquire

1 or construct. Any county, town, village, or city constructing or acquiring a toll bridge
2 under this section may provide for the payment of the same or any part thereof from
3 the general fund, from taxation, or from the proceeds of either municipal bonds~~,~~ or
4 revenue bonds or as otherwise provided by law. Such resolution shall not be effective
5 until 15 days after its passage and publication. If, within said 15 days, a petition
6 conforming to the requirements of s. 8.40 ~~is filed with the clerk of such municipality,~~
7 ~~and filed as provided in s. 8.37~~, signed by at least ~~20%~~ 20 percent of the electors
8 ~~thereof~~ of the municipality, and requesting that the question of acquiring such toll
9 bridge be submitted to the ~~said~~ electors~~, such~~ is filed with the clerk of the
10 municipality as provided in s. 8.37, the question shall be submitted at the next
11 ~~general or regular municipal~~ election authorized under s. 8.065 (2) that is held not
12 sooner than 70 days from the date of filing such petition. The question submitted to
13 the electors shall specify the method of payment for such toll bridge as provided in
14 the resolution for the acquisition thereof. If no such petition is filed, or if the majority
15 of votes cast at such referendum election are in favor of the acquisition of such toll
16 bridge, then the resolution of the governing body for the acquisition of such toll
17 bridge shall be in effect.

History: 1983 a. 207; 1989 a. 192; 1999 a. 150 s. 672; 1999 a. 182; 2005 a. 146; 2011 a. 75.

18 **SECTION 56.** 92.11 (4) (c) of the statutes is amended to read:

19 92.11 **(4)** (c) *Wording of ballot question; procedure.* The county board shall
20 include the wording of the question to be placed before the electors in the referendum
21 as a part of the ordinance adopted under this section or the revision to an ordinance
22 adopted under this section. Upon the adoption of the ordinance or revision the county
23 board shall forward a copy of the ordinance or revision to the county clerk who shall
24 cause the question to be placed before the voters of the affected area in the next

~~spring or general~~ election ~~occurring~~ authorized under s. 8.065 (2) that occurs not less than 70 days after the adoption of the ordinance or revision. The form of the ballot shall correspond substantially to the form prescribed under s. 5.64 (2).

History: 1981 c. 346; 1987 a. 27; 1993 a. 246; 1999 a. 182; 2011 a. 75.

SECTION 57. 117.20 (2) of the statutes is amended to read:

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

History: 1989 a. 114; 1997 a. 286; 2003 a. 265; 2007 a. 1; 2009 a. 307.

SECTION 58. 119.48 (4) (b) of the statutes is amended to read:

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

****NOTE: Do you want to permit the board to request the common council to submit the question to the voters at an election other than the ~~September election~~ partisan primary? See also the treatment of s. 119.48 (4) (c) partisan, below.

History: 1987 a. 27; 1999 a. 182; 2005 a. 453.

SECTION 59. 119.48 (4) (c) of the statutes is amended to read:

Do you want to permit the board to make its request at a special election as that term has been modified in this bill?

119.48 **(4)** (c) Upon receipt of the communication, the common council shall file the communication as provided in s. 8.37 and shall cause the question of exceeding the levy rate specified under s. 65.07 (1) (f) to be submitted to the voters of the city at the ~~September election or at a special election~~ partisan primary. The question of exceeding the levy rate specified under s. 65.07 (1) (f) shall be submitted so that the vote upon exceeding the levy rate specified in s. 65.07 (1) (f) is taken separately from any other question submitted to the voters. If a majority of the electors voting on the question favors exceeding the levy rate specified under s. 65.07 (1) (f), the common council shall approve the increase in the levy rate and shall levy and collect a tax equal to the amount of money approved by the electors.

History: 1987 a. 27; 1999 a. 182; 2005 a. 453.

SECTION 60. 119.49 (1) (b) of the statutes is amended to read:

119.49 **(1)** (b) The communication shall state the amount of funds needed under par. (a) and the purposes for which the funds will be used and shall request the common council to submit to the voters of the city at the next election ~~held in the city~~ authorized under s. 8.065 (2) the question of issuing school bonds in the amount and for the purposes stated in the communication.

History: 1973 c. 92, 172; 1975 c. 353; 1977 c. 418; 1989 a. 290; 1999 a. 150 s. 672; 1999 a. 182; 2003 a. 43.

SECTION 61. 119.49 (2) of the statutes is amended to read:

119.49 **(2)** Upon receipt of the communication, the common council shall file the communication as provided in s. 8.37 and shall cause the question of issuing such school bonds in the stated amount and for the stated school purposes to be submitted to the voters of the city at the next election ~~held in the city~~ authorized under s. 8.065 (2). The question of issuing such school bonds shall be submitted so that the vote upon issuing such school bonds is taken separately from any other question submitted to the voters. If a majority of the electors voting on the school bond

question favors issuing such school bonds, the common council shall cause the school bonds to be issued immediately or within the period permitted by law, in the amount requested by the board and in the manner other bonds are issued.

History: 1973 c. 92, 172; 1975 c. 353; 1977 c. 418; 1989 a. 290; 1999 a. 150 s. 672; 1999 a. 182; 2003 a. 43.

SECTION 62. 120.06 (8) (f) of the statutes is amended to read:

120.06 **(8)** (f) After the spring primary, if any, after the spring election, and after any special primary, or special election ~~or referendum~~, assure that the returns are canvassed as provided in sub. (14) and s. 7.53 (3).

****NOTE: If you elect to permit special referenda, I will eliminate the treatment of this section.

History: 1973 c. 340; 1975 c. 138, 199; 1977 c. 340; 1979 c. 32, 260; 1981 c. 47; 1983 a. 484; 1985 a. 225 s. 100; 1985 a. 304 ss. 150 to 153, 156; 1985 a. 332; 1987 a. 391; 1989 a. 114, 192; 1991 a. 62; 1993 a. 266; 1995 a. 16 s. 2; 1997 a. 286; 1999 a. 83, 182; 2001 a. 38; 2003 a. 265; 2005 a. 333.

SECTION 63. 121.91 (3) (a) of the statutes is amended to read:

121.91 **(3)** (a) If a school board wishes to exceed the limit under sub. (2m) otherwise applicable to the school district in any school year, it shall promptly adopt a resolution supporting inclusion in the final school district budget of an amount equal to the proposed excess revenue. The resolution shall specify whether the proposed excess revenue is for a recurring or nonrecurring purpose, or, if the proposed excess revenue is for both recurring and nonrecurring purposes, the amount of the proposed excess revenue for each purpose. The resolution shall be filed as provided in s. 8.37. Within 10 days after adopting the resolution, the school board shall submit a copy of the resolution to the department and shall notify the department of the scheduled date of the referendum ~~and submit a copy of the resolution to the department. The school board shall call a special referendum~~ to be called for the purpose of submitting the resolution to the electors of the school district for approval or rejection. ~~In lieu of a special referendum, the school board may specify that the~~ The referendum shall be held at the next succeeding ~~spring primary or election or partisan primary or general election, if such~~ election ~~is to be held~~

1 authorized under s. 8.065 (2) that occurs not sooner than 70 days after the filing of
2 the resolution of the school board. The school district clerk shall certify the results
3 of the referendum to the department within 10 days after the referendum is held.

History: 1993 a. 16; 1995 a. 27 ss. 4108m to 4114, 9145(1); 1997 a. 27, 113, 164, 237, 286; 1999 a. 9, 17, 19, 32, 182; 2001 a. 16; 2005 a. 25, 219; 2007 a. 1, 20; 2009 a. 28; 2011 a. 32, 75, 114.

4 **SECTION 64.** 197.04 (1) (b) of the statutes is amended to read:

5 197.04 **(1)** (b) If within either of the 90–day periods described in par. (a) a
6 petition conforming to the requirements of s. 8.40 is filed with the clerk of the
7 municipality as provided in s. 8.37 and the petition has been signed by ~~5%~~ 5 percent
8 of the electors of a 1st class city or by ~~10%~~ 10 percent of the electors of all other
9 municipalities requesting that the question of discontinuing the proceeding to
10 acquire the plant or equipment of the public utility be submitted to the electors of the
11 municipality, the applicable question under par. (c) shall be submitted to the electors
12 at any ~~general or regular municipal~~ election authorized under s. 8.065 (2) that is held
13 not less than 70 ~~and not more than 75~~ days from the date of the filing of the petition.
14 ~~If no general election or regular municipal election is to be held within the stated~~
15 ~~periods, the governing body of the municipality shall order the holding of a special~~
16 ~~election, to be held not less than 70 days from the date of filing of the petition, for the~~
17 ~~purpose of submitting the question to the electors.~~

****NOTE: Please review the changes to this provision to ensure that they accomplish your intent.

History: 1989 a. 192; 1997 a. 254; 1999 a. 182; 2011 a. 75.

18 **SECTION 65.** 197.04 (2) of the statutes is amended to read:

19 197.04 **(2)** The governing body of the municipality may provide for notice of,
20 the manner of holding, the method of voting on, the method of making returns of, and
21 the method of canvassing and determining the result of, the election required under
22 sub. (1). Notice of the election to the electors shall be given by a brief notice of that
23 fact once a week for 3 weeks in some newspaper of general circulation published in

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

History: 1989 a. 192; 1997 a. 254; 1999 a. 182; 2011 a. 75.

SECTION 66. 197.10 (2) of the statutes is amended to read:

197.10 **(2)** Such contract when adopted by the common council of said city and accepted by the owner or owners of such public utility shall be submitted to the public service commission for its approval and upon such approval the same shall be filed as provided in s. 8.37 and submitted in such manner as the common council shall determine to a vote of the electors of such city at the next ~~regular municipal~~ election ~~or at a special election called for that purpose~~ authorized under s. 8.065 (2), and such contract shall not become binding upon such city until approved by a majority vote of the qualified electors of such city voting thereon. No bonds shall in any case be issued by said city under the contract or contracts mentioned in sub. (1), until the proposition of their issue shall have been submitted to the people of such city and adopted by a majority of the electors voting thereon.

****NOTE: This section requires a vote on a contract, but does not explicitly require a referendum. Nevertheless, I amend it to require that the contract be considered at the next election authorized under s. 8.065 (2). Is that consistent with your intent?

History: 1977 c. 29 ss. 1362, 1654 (9) (g); 1981 c. 148 s. 13; 1981 c. 347 ss. 74, 80 (2); 1981 c. 390 ss. 179, 252; 1981 c. 391; 1983 a. 53 s. 114; 1983 a. 207; 1985 a. 187; 1999 a. 182; 2005 a. 179.
History: c. 347 ss. 74, 80 (2); 1981 c. 390 ss. 179, 252; 1981 c. 391; 1983 a. 53 s. 114; 1983 a. 207; 1985 a. 187; 1999 a. 182; 2005 a. 179.

SECTION 67. 198.19 (1) of the statutes is amended to read:

198.19 **(1)** Any territory, constituting one or more municipalities contiguous to a district, may be annexed to and become a part of such district to all intents and purposes and with like effect as though originally included therein upon such terms and conditions as the board of directors of the district shall fix by ordinance adopted

by the affirmative vote of two–thirds of the directors–elect, provided that before such ordinance becomes effective the same shall be accepted and ratified by the affirmative vote of a majority of the qualified electors entitled to vote and voting in a ~~special election~~ referendum called and held for that purpose, at any election authorized under s. 8.065 (2), in each municipality proposed in such ordinance to be annexed to the district. Such ordinance shall be published and such election shall be noticed, held, and conducted, as nearly as may be, in the manner provided by this chapter for the noticing, holding, and conduct of elections upon the organization of a municipal power district, except that the returns of such election and the ballots therein shall be delivered to the clerk of the district. The results of said election shall be canvassed publicly by the directors of the district.

****NOTE: This section requires a vote on an ordinance, but does not explicitly require a referendum. Nevertheless, I amend it to require that the ordinance be considered at any election authorized under s. 8.065 (2). Is that consistent with your intent?

****NOTE: Do you want to permit voters to consider the resolution at a special election as that term has been modified in this bill (see treatment of s. 5.02 (19))?

SECTION 68. Initial applicability.

(1) This act first applies to a referendum called or scheduled on the effective date of this subsection.

(END)

D-N

2013–2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB
...:...:...

67.05 **(5)** (a) Whenever a town board adopts an initial resolution ~~has been so adopted by the governing body of a town~~, the town clerk ~~of the municipality~~ shall immediately record the resolution and shall call a ~~special election~~ referendum for the purpose of submitting the resolution to the electors of the ~~municipality~~ town for approval~~. This paragraph does not apply to bonds issued to finance low-interest mortgage loans under s. 62.237, unless a number of electors equal to at least 15% of the votes cast for governor at the last general election in their town sign and file a petition conforming to the requirements of s. 8.40 with the town clerk requesting submission of the resolution. Whenever a number of electors cannot be determined on the basis of reported statistics, the number shall be determined in accordance with s. 60.74 (6). If a petition is filed, the question submitted shall be whether the resolution shall or shall not be approved~~ or rejection. The referendum shall be held at an election authorized under s. 8.065 (2). This paragraph is limited in its scope by sub. (7).

this is one plain space here, just, doesn't look like it

LPS: this is what the text treat in SECTION 47 on (pg. 25-26) should end up as. It is all marked, so you can throw this out when you're done with it. Sac

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1771/?dn
TKK:...
sac

-date-

Representative Bernier:

This preliminary bill draft generally prohibits referenda from being held at special elections and, instead, requires referenda to be held at one of the four regularly scheduled elections: the partisan primary, the general election, the Spring primary, or the Spring election.

The drafting instructions were somewhat open-ended, so please carefully review the draft to ensure that I have drafted the bill to accomplish your intent. I have embedded a number of in-text drafters notes and questions for your consideration. The questions fall into three general categories:

1. Whether a referendum may be scheduled concurrently with a special election.

Although the bill modifies the definition of "special election" to eliminate special elections at which only a referendum is held, the bill does not explicitly prohibit a special referendum from being called concurrent with a special election to fill vacancies. Current law and the bill do permit a special referendum to be called (see current law s. 8.55 and the treatment of s. 8.06 in this bill). However, I eliminated all references to "special election" in connection with specific referenda; as a result, no statutory provision remains that would explicitly permit a referendum to be called at a special election. Is this consistent with your intent?

2. Whether a statute that requires a vote on a question, a resolution or ordinance, an application, or a contract, but that does not explicitly require a referendum, should be treated as a referendum for purposes of scheduling.

In the bill, these votes must be held in accordance with the schedule for referenda. Is that consistent with your intent?

3. The amount of time that may or must pass between a specified action (the adoption of a resolution, the filing of a petition, etc.) and the scheduling of a referendum.

On the question of timing, current law varies quite a bit:

a. In some cases under current law, a referendum must be held no sooner than a certain number of days after, but no later than a certain number of days after, a specified action. In these cases I eliminated the "no later than" date but retained the "no sooner than" date. Is that consistent with your intent?

b. In other cases under current law, the referendum must be held at a specific election (such as the Spring election) or on a specific date (such as "the Tuesday after the first Monday in the 2nd November following receipt of the petition or adoption of the resolution under s. 117.105 (1)," as provided under 117.20 (1)). Generally, I retain the existing statutory scheme in these circumstances. Is that consistent with your intent?

c. In some cases I make no changes to the referendum schedule provided under current law. For example, I do not amend any of the following:

Section 59.10 (3) (cm) 2., which requires a referendum election to take place at the next spring or general election in the county that is held not earlier than 70 days after the determination to decrease the number of county supervisors is made. See also s. 60.30 (1e) (b).

Section 117.20 (1), which governs the scheduling of referenda related to the consolidation or division of territory into one or more school districts.

Section 198.20, which governs the consolidation of 2 power districts.

Section 229.824 (15), which requires a referendum to be held at the first spring primary or partisan primary following by at least 45 days the date of adoption of a resolution related to the taxing authority of a local professional football stadium district.

Please let me know if this is not consistent with your intent.

d. Finally, in other cases current law requires no specific time period to pass between an action and a referendum. Generally, in this category, I retain the existing scheduling scheme, but raise a question about timing in a drafter's note. Let me know if you are not comfortable with this approach.

I look forward to working with you on the next draft.

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266–9867
E–mail: tracy.kuczenski@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1771/P1dn
TKK:sac:jm

May 2, 2013

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Legislative Attorney
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