



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 II ←

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



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1771PT P2

TKK:sac:jm

d-note TWJ

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Now

5/20/13 Wanted 5/21/13

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1 **AN ACT** ~~to repeal~~ 67.05 (3) (a) 2. and 67.05 (3) (a) 4.; **to renumber and amend**
2 9.20 (4) and 67.05 (5) (b); **to amend** 5.02 (19), 7.15 (2) (d), 7.52 (8), 8.05 (3) (d),
3 8.05 (3) (e), 8.06, 24.66 (3) (b), 24.66 (4), 32.72 (1), 38.15 (1), 38.16 (3) (br) 1.,
4 59.08 (7) (b), 59.605 (3) (a) 1., 60.62 (2), 60.74 (5) (b), 61.187 (1), 61.46 (1), 62.09
5 (1) (a), 62.13 (6) (b), 64.03 (1), 64.39 (3), 66.0101 (8), 66.0211 (1), 66.0213 (6),
6 66.0215 (2), 66.0217 (3) (b), 66.0217 (7) (a) 3., 66.0217 (7) (d), 66.0219 (4) (b),
7 66.0225 (2), 66.0227 (3), 66.0305 (6) (b), 66.0307 (4) (e) 2., 66.0602 (4) (a),
8 66.0619 (2m) (b), 66.0815 (1) (c), 66.0921 (2), 66.1103 (10) (d), 66.1113 (2) (g),
9 66.1113 (2) (h), 67.05 (3) (f), 67.05 (4), 67.05 (5) (a), 67.05 (6a) (a) 2. a., 67.05 (6m)
10 (b), 67.10 (5) (b), 67.12 (12) (e) 2., 67.12 (12) (e) 5., 82.03 (2) (b), 86.21 (2) (a), 92.11
11 (4) (c), 117.20 (2), 119.48 (4) (b), 119.48 (4) (c), 119.49 (1) (b), 119.49 (2), 120.06

1 (8) (f), 121.91 (3) (a), 197.04 (1) (b), 197.04 (2), 197.10 (2) and 198.19 (1); and *to*
2 *create* 8.065 of the statutes; **relating to:** scheduling of referendums.

Analysis by the Legislative Reference Bureau

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

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

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

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

4 5.02 (19) "Special election" means any election, other than those described in
5 subs. (5), ~~(18)~~ (12s), (21) and (22), to fill vacancies ~~or to conduct a referendum.~~

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

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

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

1 7.52 (8) The board of absentee ballot canvassers shall make full and accurate
2 return of the votes cast for each candidate and proposition on the tally sheet forms.
3 Each tally sheet shall record the returns for each office or referendum by ward,
4 unless combined returns are authorized in accordance with s. 5.15 (6) (b), in which
5 case the tally sheet shall record the returns for each group of combined wards. After
6 recording the votes, the board of absentee ballot canvassers shall seal in a carrier
7 envelope outside the ballot bag or container one inspector's statement under sub. (4)
8 (d), one tally sheet, and one poll list for delivery to the county clerk, unless the
9 election relates only to municipal or school district offices ~~or referenda~~. The board
10 of absentee ballot canvassers shall also similarly seal one statement, one tally sheet,
11 and one poll list for delivery to the municipal clerk.

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

13 8.05 (3) (d) The question of adoption of the nonpartisan primary under this
14 subsection may be submitted to the electors at any ~~regular~~ election authorized under
15 s. 8.065 (2) to be held in the town or at a special election called for the purpose. When
16 a petition requesting adoption of the nonpartisan primary conforming to the
17 requirements of s. 8.40 and signed by at least 20 electors of the town is filed with the
18 town clerk as provided in s. 8.37, the question shall be submitted to a vote.

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))?

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

20 8.05 (3) (e) Petitions requesting a vote on the question at a regular town
21 election shall be filed in accordance with s. 8.37 no later than 5 p.m. the last Tuesday
22 in February. When the petition is filed, the clerk shall check its sufficiency. ~~Whether~~

1 at a regular or special election, the The clerk shall give separate notice by one
2 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))?

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

4 **8.06 Special elections may be called.** Towns, cities, villages, and school
5 districts may call special elections for any purpose whenever such action is
6 authorized or required by law. If an, and may include a call for a special referendum.

7 A special election is called that includes a call for a special referendum, ~~the election~~
8 shall be noticed under s. 8.55.

****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 referendums under s. 8.55. Do you want to eliminate this authority? Or, alternatively, do you want to explicitly permit referendums to be scheduled concurrent with a special election?

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

10 **8.065 Scheduling of referendums.** (1) In this section, "Local governmental
11 unit" means a political subdivision of this state, a special purpose district in this
12 state, an instrumentality or corporation of such a political subdivision or special
13 purpose district, a combination or subunit of any of the foregoing, or an
14 instrumentality of the state and any of the foregoing.

15 (2) Unless otherwise required by law, a referendum held by any local
16 governmental unit that is authorized or required by law to hold a referendum may

17 only be held concurrently with the spring primary, spring election, partisan primary,
18 or general elections *or with a special election*

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****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.

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

3 9.20 (4) (intro.) The common council or village board shall, without alteration,
4 ~~either pass to the ordinance or resolution, do one of the following:~~

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

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

11 (c) If there are 6 weeks or less before the election, the ordinance or resolution
12 shall be voted on at the next succeeding election thereafter. ~~The council or board by~~
13 ~~a three-fourths vote of the members-elect may order a special election for the~~
14 ~~purpose of voting on the ordinance or resolution at any time prior to the next election,~~
15 ~~but not more than one special election for direct legislation may be ordered in any~~
16 ~~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 amended 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))?

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

18 24.66 (3) (b) *For long-term loans by unified school districts.* Every application
19 for a loan, the required repayment of which exceeds 10 years, shall be approved and
20 authorized for a unified school district by a majority vote of the members of the school

1 board at a regular or special meeting of the school board. Every vote so required shall
2 be by ayes and noes duly recorded. In addition, the application shall be approved for
3 a unified school district by a majority vote of the electors of the school district at a
4 ~~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))?

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

6 24.66 (4) POPULAR VOTE, WHEN REQUIRED. If any municipality is not empowered
7 by law to incur indebtedness for a particular purpose without first submitting the
8 question to its electors, the application for a state trust fund loan for that purpose
9 must be approved and authorized by a majority vote of the electors at a ~~special~~
10 ~~election called,~~ referendum scheduled as provided under s. 8.065 (2) and noticed and
11 held in the manner provided for other ~~special elections~~ referendums. The question
12 to be voted on shall be filed as provided in s. 8.37. The notice of the ~~election~~
13 referendum shall state the amount of the proposed loan and the purpose for which
14 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))?

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

16 32.72 (1) Sections 32.50 to 32.71 do not take effect in any city until the following
17 question is submitted to the electors of the city at a ~~special election~~ referendum,
18 scheduled as provided under s. 8.065 (2), and adopted by a majority vote of the

1 electors voting: "Shall subchapter II of chapter 32, Wisconsin Statutes, be effective
2 in the city of, thus allowing the city to acquire and condemn property for
3 street widening and similar purposes, financed through assessments of benefits and
4 damages?". The question shall be filed as provided in s. 8.37.

****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?

As amended the question may be submitted at any election under s. 8.065(2)

****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)?

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

6 38.15 (1) Subject to sub. (3), if the district board intends to make a capital
7 expenditure in excess of \$1,500,000, excluding moneys received from gifts, grants or
8 federal funds, for the acquisition of sites; the purchase or construction of buildings;
9 the lease/purchase of buildings if costs exceed \$1,500,000 for the lifetime of the lease;
10 building additions or enlargements; or the purchase of fixed equipment relating to
11 any such activity, it shall adopt a resolution stating its intention to do so and
12 identifying the anticipated source of revenue for each project and shall submit the
13 resolution to the electors of the district for approval. The referendum may be held
14 at an election authorized under s. 8.065 (2) and shall be noticed, called, and
15 conducted as provided in s. 67.05 (3) insofar as applicable. For the purposes of this
16 section, all projects located on a single campus site within one district which are bid
17 concurrently or which are approved by the board under s. 38.04 (10) within a 2-year
18 period shall be considered as one capital expenditure project.

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

20 38.16 (3) (br) 1. If a district board wishes to exceed the limit under par. (b)
21 otherwise applicable to the district in 2011 or 2012, it shall adopt a resolution

1 supporting inclusion in the final district budget of an amount equal to the proposed
2 excess levy. The resolution shall be filed as provided in s. 8.37. Within 10 days after
3 adopting the resolution, the district board shall submit a copy of the resolution to the
4 board and shall notify the board of the scheduled date of the referendum ~~and submit~~
5 ~~a copy of the resolution to the board. The district board shall call a special~~
6 ~~referendum to be called~~ for the purpose of submitting the resolution to the electors
7 of the district for approval or rejection. ~~In lieu of a special referendum, the district~~
8 ~~board may specify that the~~ The referendum shall be held at the next succeeding
9 ~~spring primary or election or partisan primary or general election, if such election~~
10 ~~is to be held~~ authorized under s. 8.065 (2) that occurs not sooner than 42 days after
11 the filing of the resolution of the district board. The district board shall certify the
12 results of the referendum to the board within 10 days after the referendum is held.

****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))?

13 SECTION 14. 59.08 (7) (b) of the statutes is amended to read:
14 59.08 (7) (b) The question of the consolidation of the counties shall be submitted
15 to the voters at the next election ~~to be held on the first Tuesday in April, or the next~~
16 ~~regular election, or at a special election~~ authorized under s. 8.065 (2) to be held on
17 ~~the day fixed in a date specified in the order issued under par. (a), which day date~~
18 ~~shall be no sooner than 70 days from the completion of the consolidation agreement~~
19 ~~and which date~~ shall be the same in each of the counties proposing to consolidate.
20 A copy of the order shall be filed with the county clerk of each of the counties as
21 provided in s. 8.37. ~~If the question of consolidation is submitted at a special election,~~
22 ~~it shall be held not less than 70 days nor more than 88 days from the completion of~~
23 ~~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))?

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

2 59.605 (3) (a) 1. If the governing body of a county wishes to exceed the operating
3 levy rate limit otherwise applicable to the county under this section, it shall adopt
4 a resolution to that effect. The resolution shall specify either the operating levy rate
5 or the operating levy that the governing body wishes to impose for either a specified
6 number of years or an indefinite period. The governing body shall ~~call a special~~
7 ~~referendum for the purpose of submitting the resolution to the electors of the county~~
8 ~~for approval or rejection. In lieu of a special referendum, the governing body may~~
9 ~~specify that provide for the referendum to be held at the next succeeding spring~~
10 ~~primary or election or partisan primary or general election to be held~~ authorized
11 under s. 8.065 (2) that occurs not earlier than 70 days after the adoption of the
12 resolution of the governing body. The governing body shall file the resolution to be
13 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))?

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

15 60.62 (2) If the county in which the town is located has enacted a zoning
16 ordinance under s. 59.69, the exercise of the authority under sub. (1) is subject to
17 approval by the town meeting or by a referendum vote of the electors of the town to
18 be held at the time of any regular or special election authorized under s. 8.065 (2).
19 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))?

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

2 60.74 (5) (b) A petition conforming to the requirements of s. 8.40, signed by
3 qualified electors of the district equal to at least ~~20%~~ 20 percent of the vote cast for
4 governor in the district at the last gubernatorial election, and requesting a change
5 to appointment of commissioners, may be submitted to the town board, subject to
6 sub. (5m) (a). The petition shall be filed as provided in s. 8.37. Upon receipt of the
7 petition, the town board shall submit the question to the electors at a referendum to
8 be held at the next ~~regular spring election or general election, or shall call a special~~
9 ~~election for that purpose~~ authorized under s. 8.065 (2). The inspectors shall count
10 the votes and submit a statement of the results to the commission. The commission
11 shall canvass the results of the election and certify the results to the town board
12 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))?

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

14 61.187 (1) PROCEDURE. Whenever a petition conforming to the requirements
15 of s. 8.40, signed by at least one-third as many electors of any village as voted for
16 village officers at the next preceding election for village officers in that village, shall
17 be presented to the village board, and filed as provided in s. 8.37, praying for
18 dissolution of the village, the village board shall submit to the electors of the village
19 the question whether or not the village shall be dissolved. The question shall be
20 determined by ballot, in substantially the manner provided by ss. 5.64 (2) and 10.02,
21 at a general election ~~or at a special election called by the village board for that~~
22 ~~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))?

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

2 61.46 (1) **GENERAL; LIMITATION.** The village board shall, on or before December
3 15 in each year, by resolution to be entered of record, determine the amount of
4 corporation taxes to be levied and assessed on the taxable property in such village
5 for the current year. Before levying any tax for any specified purpose, exceeding one
6 percent of the assessed valuation aforesaid, the village board shall, and in all other
7 cases may in its discretion, submit the question of levying the same to the village
8 electors at any general ~~or special~~ election by giving 10 days' notice thereof prior to
9 such election by publication in a newspaper published in the village, if any, and if
10 there is none, then by posting notices in 3 public places in said village, setting forth
11 in such notices the object and purposes for which such taxes are to be raised and the
12 amount of the proposed tax. The village board shall file the question as provided in
13 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.

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

15 62.09 (1) (a) The officers shall be a mayor, treasurer, clerk, comptroller,
16 attorney, engineer, one or more assessors unless the city is assessed by a county
17 assessor under s. 70.99, one or more constables as determined by the common
18 council, a local health officer, as defined in s. 250.01 (5), or local board of health, as

1 defined in s. 250.01 (3), street commissioner, board of police and fire commissioners
2 except in cities where not applicable, chief of police except in a city where it is not
3 applicable, chief of the fire department except in a city where it is not applicable, chief
4 of a combined protective services department except in a city where it is not
5 applicable, board of public works, 2 alderpersons from each aldermanic district, and
6 such other officers or boards as are created by law or by the council. If one
7 alderperson from each aldermanic district is provided under s. 66.0211 (1), the
8 council may, by ordinance adopted by a two-thirds vote of all its members and
9 approved by the electors at a general or special election, provide that there shall be
10 2 alderpersons from each aldermanic district. If a city creates a combined protective
11 services department under s. 62.13 (2e) (a) 1., it shall create the office of chief of such
12 a department and shall abolish the offices of chief of police and chief of the fire
13 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))?

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

15 62.13 (6) (b) The provisions of this subsection shall apply only if adopted by the
16 electors. Whenever not less than 70 days prior to ~~a regular city~~ an election specified
17 under s. 8.065 (2) a petition therefor, conforming to the requirements of s. 8.40 and
18 signed by electors equal in number to not less than ~~20%~~ 20 percent of the total vote
19 cast in the city for governor at the last general election, shall be filed with the clerk
20 as provided in s. 8.37, the clerk shall give notice in the manner of notice of the regular
21 city election of a referendum on the adoption of this subsection. Such referendum
22 election shall be held with ~~the regular city~~ any election, and authorized under s.

1 8.065 (2), the ballots shall conform with the provisions of ss. 5.64 (2) and 10.02, and
2 the question shall be "Shall s. 62.13 (6) of the statutes be adopted?"

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

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

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

e ******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))?

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

11 64.39 (3) Upon filing such petition, the mayor shall, by proclamation, submit
12 the questions prescribed in sub. (1) at ~~a special~~ the next election ~~to be held at a time~~
13 ~~specified therein and within 2 months after such petition is filed~~ authorized under
14 s. 8.065 (2). The election upon such question shall be conducted, the vote canvassed,
15 and the result declared in the same manner as provided by law for other city
16 elections.

e ******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?

If yes, ******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.

e ******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))?

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

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

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

12 66.0211 (1) ORDER. The circuit court's order for an incorporation referendum
13 shall specify the voting place and the date of the referendum, which shall be ~~not less~~
14 ~~than 6 weeks from the date of the order~~ scheduled in accordance with s. 8.065 (2), and
15 name 3 inspectors of election. If the order is for a city incorporation referendum the
16 order shall further specify that 7 alderpersons shall be elected at large from the
17 proposed city. The city council at its first meeting shall determine the number and
18 boundaries of wards in compliance with s. 5.15 (1) and (2), and the combination of
19 wards into aldermanic districts. The number of alderpersons per aldermanic district
20 shall be determined by charter ordinance.

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

22 66.0213 (6) REORGANIZATION OF CITY AS VILLAGE. If the population of any city falls
23 below 1,000 as determined by the United States census, the council may upon filing
24 of a petition conforming to the requirements of s. 8.40 containing the signatures of
25 at least ~~15%~~ 15 percent of the electors submit at any ~~general or city~~ election

1 authorized under s. 8.065 (2) the question whether the city shall reorganize as a
2 village. If three-fifths of the votes cast on the question are for reorganization the
3 mayor and council shall record the return in the office of the register of deeds, file a
4 certified copy with the clerk of the circuit court, and immediately call an election, to
5 be conducted as are village elections, for the election of village officers. Upon the
6 qualification of the officers, the board of trustees shall declare the city reorganized
7 as a village, and the reorganization is effective. The clerk shall certify a copy of the
8 declaration to the secretary of state who shall file the declaration and endorse a
9 memorandum of the declaration on the record of the certificate of incorporation of the
10 city. Rights and liabilities of the city continue in favor of or against the village.
11 Ordinances, so far as within the power of the village, remain in force until changed.

② ****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?

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

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

1 quarter section of land on which that person resides, which shall be verified by the
2 affixed affidavit of the person taking the census.

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

4 66.0217 (3) (b) *Annexation by referendum.* A petition for a referendum on the
5 question of annexation may be filed with the city or village clerk signed by a number
6 of qualified electors residing in the territory equal to at least ~~20%~~ 20 percent of the
7 votes cast for governor in the territory at the last gubernatorial election, and the
8 owners of at least ~~50%~~ 50 percent of the real property either in area or assessed value.
9 The petition shall conform to the requirements of s. 8.40. The referendum shall be
10 scheduled in accordance with s. 8.065 (2).

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

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

1 residing in the area proposed for annexation to be held at the next election authorized
2 under s. 8.065 (2) that occurs not less than 70 days ~~nor more than 100 days~~ after the
3 receipt of the petition, and shall mail a copy of the notice to the clerk of the city or
4 village to which the annexation is proposed. The referendum shall be held at a
5 convenient place within the town to be specified in the notice.

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

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

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

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

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

23 66.0225 (2) CONTESTED ANNEXATIONS. Any 2 municipalities whose boundaries
24 are immediately adjacent at any point and who are parties to an action, proceeding,
25 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.

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,
25 or town at the last gubernatorial election, and demanding a referendum, is presented

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

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

18 66.0305 (6) (b) The advisory referendum shall be held at the next election
19 authorized under s. 8.065 (2) that occurs not less than 70 days ~~nor more than 100~~
20 ~~days~~ after adoption of the resolution under par. (a) calling for the referendum or not
21 less than 70 days ~~nor more than 100 days~~ after receipt of the petition under par. (a)
22 by the municipal or county clerk. The municipal or county clerk shall give notice of
23 the referendum by publishing a notice in a newspaper of general circulation in the
24 political subdivision, both on the publication day next preceding the advisory
25 referendum election and one week prior to that publication date.

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

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

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

11 66.0602 (4) (a) A political subdivision may exceed the levy increase limit under
12 sub. (2) if its governing body adopts a resolution to that effect and if the resolution
13 is ~~approved in~~ submitted to the electors of the political subdivision for approval or
14 rejection at a referendum. The resolution shall specify the proposed amount of
15 increase in the levy beyond the amount that is allowed under sub. (2), and shall
16 specify whether the proposed amount of increase is for the next fiscal year only or if
17 it will apply on an ongoing basis. ~~With regard to a referendum relating to the 2005~~
18 ~~levy, or any levy in an odd-numbered year thereafter, the political subdivision may~~
19 ~~call a special referendum for the purpose of submitting the resolution to the electors~~
20 ~~of the political subdivision for approval or rejection. With regard to a referendum~~
21 ~~relating to the 2006 levy, or any levy in an even-numbered year thereafter, the~~ The
22 political subdivision shall hold the referendum shall be held at the next succeeding
23 ~~spring primary or election or partisan primary or general election~~ authorized under
24 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))?

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

2 66.0619 (2m) (b) If a referendum is to be held on a resolution, the municipal
3 governing body shall file the resolution as provided in s. 8.37 and shall direct the
4 municipal clerk to ~~call a special election for the purpose of submitting~~ submit the
5 resolution to the electors for approval or rejection at a referendum ~~on approval or~~
6 ~~rejection.~~ In lieu of a special election, the municipal governing body may specify that
7 the election be held at the next succeeding spring primary or election or partisan
8 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))?

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

10 66.0815 (1) (c) An ordinance under sub. (1) may not take effect until 60 days
11 after passage and publication unless sooner approved by a referendum. Within the
12 60-day period electors equal in number to ~~20%~~ 20 percent of those voting at the last
13 regular municipal election may file a petition requesting a referendum. The petition
14 shall be in writing and filed with the clerk and as provided in s. 8.37. The petition
15 shall conform to the requirements of s. 8.40. Each signer shall state his or her
16 residence and signatures shall be verified by the affidavit of an elector. The
17 referendum shall be held at the next ~~regular municipal election, or at a special~~
18 ~~election within 90 days of the filing of the petition~~ authorized under s. 8.065 (2). The
19 ordinance may not take effect unless approved by a majority of the votes cast. This
20 paragraph does not apply to extensions by a utility previously franchised by the
21 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.

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

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

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

10 66.1103 (10) (d) The governing body may issue bonds under this section
11 without submitting the proposition to the electors of the municipality or county for
12 approval unless within 30 days from the date of publication of notice of adoption of
13 the initial resolution for the bonds, a petition conforming to the requirements of s.
14 8.40, signed by not less than ~~5%~~ 5 percent of the registered electors of the
15 municipality or county, or, if there is no registration of electors in the municipality
16 or county, by ~~10%~~ 10 percent of the number of electors of the municipality or county
17 voting for the office of governor at the last general election as determined under s.
18 115.01 (13), is filed with the clerk of the municipality or county and as provided in
19 s. 8.37 requesting a referendum upon the question of the issuance of the bonds. If
20 a petition is filed, the bonds may not be issued until approved by a majority of the

1 electors of the municipality or county voting on the referendum at ~~a general or~~
2 special any election authorized under s. 8.065 (2).

6 **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))?

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

4 66.1113 (2) (g) The village of Sister Bay may enact an ordinance or adopt a
5 resolution declaring itself to be a premier resort area under par. (a) even if less than
6 40 percent of the equalized assessed value of the taxable property within Sister Bay
7 is used by tourism-related retailers. The village may not impose the tax authorized
8 under par. (b) unless the village board adopts a resolution proclaiming its intent to
9 impose the tax and the resolution is approved by a majority of the electors in the
10 village voting on the resolution at a referendum, to be held at ~~the first spring primary~~
11 ~~or election or partisan primary or general~~ any election following authorized under
12 s. 8.065 (2) that follows by at least 70 days the date of adoption of the resolution.

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

14 66.1113 (2) (h) The village of Ephraim may enact an ordinance or adopt a
15 resolution declaring itself to be a premier resort area under par. (a) even if less than
16 40 percent of the equalized assessed value of the taxable property within Ephraim
17 is used by tourism-related retailers. The village may not impose the tax authorized
18 under par. (b) unless the village board adopts a resolution proclaiming its intent to
19 impose the tax and the resolution is approved by a majority of the electors in the
20 village voting on the resolution at a referendum, to be held at ~~the first spring primary~~
21 ~~or election or partisan primary or general~~ any election following authorized under
22 s. 8.065 (2) that follows by at least 70 days the date of adoption of the resolution.

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

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

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

3 67.05 (3) (f) If a special purpose district calls a referendum under this section,
4 the governing body shall call the referendum to be held in conjunction with ~~a state,~~
5 ~~county, municipal or judicial~~ an election, the authorized under s. 8.065 (2). The
6 polling places for the ~~state, county, municipal or judicial~~ election shall be the polling
7 places for the special purpose district referendum and the municipal election hours
8 shall apply. ~~If no state, county, municipal or judicial election is held on the day of the~~
9 ~~special purpose district referendum, the governing body of the special purpose~~
10 ~~district may select the polling places to be used, except as otherwise provided in s.~~
11 ~~120.06 (9) (b) in the case of a school district. If a polling place located in the special~~
12 ~~purpose district that was utilized at the most recent spring or general election is not~~
13 ~~utilized by the special purpose district, the governing body of the special purpose~~
14 ~~district shall post a notice on the door of the polling place indicating all polling places~~
15 ~~open for voting.~~ The municipal clerk of each municipality in which a polling place
16 is located shall provide the necessary equipment to operate the polling place.

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

18 67.05 (4) PERMISSIVE REFERENDUM IN COUNTIES. If a county board adopts an
19 initial resolution for an issue of county bonds to provide for the original construction
20 or for the improvement and maintenance of highways,; to provide railroad aid,; or to
21 construct, acquire, or maintain, or to aid in constructing, acquiring, or maintaining,
22 a bridge over or across any stream or other body of water bordering upon or
23 intersecting any part of the county, the county clerk is not required to submit the
24 resolution for approval to the electors of the county at a ~~special election~~ referendum
25 unless within 30 days after the adoption thereof there is filed with the clerk a petition

1 conforming to the requirements of s. 8.40 requesting such submission, signed by
2 electors numbering at least ~~10%~~ 10 percent of the votes cast in the county for
3 governor at the last general election. If a petition is filed, the county board shall hold
4 the referendum at any election authorized under s. 8.065 (2), and the question
5 submitted shall be whether the resolution shall be or shall not be approved. No such
6 resolution of a county board other than those specified in this subsection need be
7 submitted to county electors, except as provided otherwise in sub. (7).

6 ~~****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 (10))?~~

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

9 67.05 (5) (a) Whenever a town board adopts an initial resolution ~~has been so~~
10 ~~adopted by the governing body of a town, the town clerk of the municipality shall~~
11 immediately record the resolution and shall call a special election referendum for the
12 purpose of submitting the resolution to the electors of the ~~municipality~~ town for
13 approval. ~~This paragraph does not apply to bonds issued to finance low-interest~~
14 ~~mortgage loans under s. 62.237, unless a number of electors equal to at least 15% of~~
15 ~~the votes cast for governor at the last general election in their town sign and file a~~
16 ~~petition conforming to the requirements of s. 8.40 with the town clerk requesting~~
17 ~~submission of the resolution. Whenever a number of electors cannot be determined~~
18 ~~on the basis of reported statistics, the number shall be determined in accordance~~
19 ~~with s. 60.74 (6). If a petition is filed, the question submitted shall be whether the~~
20 ~~resolution shall or shall not be approved or rejection. The referendum shall be held~~
21 at an election authorized under s. 8.065 (2). This paragraph is limited in its scope
22 by sub. (7).

6 ~~****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?

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

3 67.05 (5) (b) 1. No city or village may issue bonds for any purposes other than
4 for water systems; lighting works; gas works; bridges; street lighting; street
5 improvements; street improvement funding; hospitals; airports; harbor
6 improvements; river improvements; breakwaters and protection piers; sewerage;
7 garbage disposal; rubbish or refuse disposal; any combination of sewage, garbage,
8 or refuse or rubbish disposal; parks and public grounds; swimming pools and band
9 shells; veterans housing projects; paying the municipality's portion of the cost of
10 abolishing grade crossings; for the construction of police facilities and combined fire
11 and police safety buildings; for the purchase of sites for engine houses; for fire
12 engines and other equipment of the fire department; for construction of engine
13 houses; and for pumps, water mains, reservoirs and all other reasonable facilities
14 for fire protection apparatus or equipment for fire protection; for parking lots or
15 other parking facilities; for school purposes; for libraries; for buildings for the
16 housing of machinery and equipment; for acquiring and developing sites for
17 industry and commerce as will expand the municipal tax base; subject to subd. 2.
18 for financing the cost of low-interest mortgage loans under s. 62.237; for providing
19 financial assistance to blight elimination, slum clearance, community development,
20 redevelopment, and urban renewal programs and projects under ss. 66.1105,
21 66.1301 to 66.1329, and 66.1331 to 66.1337; to issue appropriation bonds under s.

1 62.62 to pay unfunded prior service liability with respect to an employee retirement
2 system, or for University of Wisconsin System college campuses, as defined in s.
3 36.05 (6m), until the proposition for their issue for the special purpose has been
4 submitted to the electors of the city or village and adopted by a majority vote. Except
5 as provided under sub. (15), if the common council of a city or the village board of a
6 village declares its purpose to raise money by issuing bonds for any purpose other
7 than those specified in this subsection, it shall direct by resolution, which shall be
8 recorded at length in the record of its proceedings, the clerk to call a ~~special election~~
9 referendum for the purpose of submitting the question of bonding to the city or
10 village electors. If The referendum shall be held at the next succeeding election
11 authorized under s. 8.065 (2).

6 *****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))?

12 2. If the governing body of a municipality, as defined in s. 62.237 (1) (d), adopts
13 an initial resolution to issue bonds for financing the cost of low-interest loans under
14 s. 62.237 and a number of electors of a city or village that municipality equal to at
15 least 15% 15 percent of the votes cast for governor at the last general election in their
16 city or village that municipality sign and file a petition conforming to the
17 requirements of s. 8.40 with the city or village clerk of that municipality requesting
18 submission of the resolution, the city or village that municipality may not issue
19 bonds for financing the cost of low-interest mortgage loans under s. 62.237 without
20 calling a special election to submit referendum for the purposes of submitting the
21 question of bonding to the city or village electors of that municipality for their
22 approval. The referendum shall be held at the next succeeding election authorized
23 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))?

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

2 67.05 (6a) (a) 2. a. Direct the school district clerk to ~~call a special election for~~
3 ~~the purpose of submitting~~ submit the resolution to the electors for approval or
4 rejection, ~~or direct that the resolution be submitted at the next regularly scheduled~~
5 ~~primary or election to be held~~ authorized under s. 8.065 (2) that occurs not earlier
6 than 45 days after the adoption of the resolution. The resolution shall not be effective
7 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))?

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

9 67.05 (6m) (b) If a referendum is to be held on an initial resolution, the district
10 board shall direct the technical college district secretary to ~~call a special election for~~
11 ~~the purpose of submitting~~ submit the initial resolution to the electors for ~~a~~
12 ~~referendum on~~ approval or rejection at the next election authorized under s. 8.065
13 (2). In lieu of a special election, the district board may specify that the election be
14 held at the next succeeding spring primary or election or partisan primary or general
15 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))?

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

1 67.10 (5) (b) Any city having ~~voted~~ approved the issuance of bonds at a special
2 referendum ~~election~~ held in accordance with s. 8.065 (2) and having sold a portion
3 thereof may negotiate, sell, or otherwise dispose of the same in the manner provided
4 by statute within 9 years of the date of the ~~election voting~~ referendum approving the
5 same.

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

7 67.12 (12) (e) 2. Unless the purpose and amount of the borrowing have been
8 approved by the electors under s. 67.05 (6a) or deemed approved by the electors under
9 s. 67.05 (7) (d) 3., the purpose is to refund any outstanding municipal obligation, the
10 purpose is to pay unfunded prior service liability contributions under the Wisconsin
11 retirement system if all of the proceeds of the note will be used for that purpose, the
12 borrowing would not be subject to a referendum as a bond issue under s. 67.05 (7) (cc),
13 (h) or (i), or subd. 2g. or par. (f) or (h) applies, the school district clerk shall, within
14 10 days after a school board adopts a resolution under subd. 1. to issue a promissory
15 note in excess of \$5,000, publish notice of such adoption as a class 1 notice, under ch.
16 985. Alternatively, the notice may be posted as provided under s. 10.05. The notice
17 need not set forth the full contents of the resolution, but shall state the maximum
18 amount proposed to be borrowed, the purpose thereof, that the resolution was
19 adopted under this subsection, and the place where, and the hours during which, the
20 resolution may be inspected. If, within 30 days after publication or posting, a petition
21 conforming to the requirements of s. 8.40 is filed with the school district clerk for a
22 referendum on the resolution signed by at least 7,500 electors of the district or at
23 least ~~20%~~ 20 percent of the number of district electors voting for governor at the last
24 general election, as determined under s. 115.01 (13), whichever is the lesser, then the
25 resolution shall not be effective unless adopted by a majority of the district electors

1 voting at the referendum. The referendum shall be held at an election authorized
 2 under s. 8.065 (2) and called in the manner provided under s. 67.05 (6a), except that
 3 the question which appears on the ballot shall be "Shall (name of district) borrow
 4 the sum of \$.... for (state purpose) by issuing its general obligation promissory note
 5 (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

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

7 67.12 (12) (e) 5. Within 10 days of the adoption by a technical college district
 8 board of a resolution under subd. 1. to issue a promissory note for a purpose under
 9 s. 38.16 (2), the secretary of the district board shall publish a notice of such adoption
 10 as a class 1 notice, under ch. 985. The notice need not set forth the full contents of
 11 the resolution, but shall state the amount proposed to be borrowed, the method of
 12 borrowing, the purpose thereof, that the resolution was adopted under this
 13 subsection and the place where and the hours during which the resolution is
 14 available for public inspection. If the amount proposed to be borrowed is for building
 15 remodeling or improvement and does not exceed \$1,500,000 or is for movable
 16 equipment, the district board need not submit the resolution to the electors for
 17 approval unless, within 30 days after the publication or posting, a petition
 18 conforming to the requirements of s. 8.40 is filed with the secretary of the district
 19 board requesting a referendum ~~at a special election to be called for that purpose.~~
 20 Such petition shall be signed by electors from each county lying wholly or partially
 21 within the district. The number of electors from each county shall equal at least ~~1.5%~~
 22 1.5 percent of the population of the county as determined under s. 16.96 (2) (c). If a
 23 county lies in more than one district, the technical college system board shall

1 apportion the county's population as determined under s. 16.96 (2) (c) to the districts
2 involved and the petition shall be signed by electors equal to the appropriate
3 percentage of the apportioned population. ~~In lieu of a special election, the~~ The
4 ~~district board may specify that shall hold~~ the referendum shall be held at the next
5 succeeding ~~spring primary or election or partisan primary or general~~ election
6 authorized under s. 8.065 (2). Any resolution to borrow amounts of money in excess
7 of \$1,500,000 for building remodeling or improvement shall be submitted to the
8 electors of the district for approval. If a referendum is held or required under this
9 subdivision, no promissory note may be issued until the issuance is approved by a
10 majority of the district electors voting at such referendum. The referendum shall be
11 noticed, called, and conducted under s. 67.05 (6a) insofar as applicable, except that
12 ~~the notice of special election and ballot need not embody a copy of the resolution and~~
13 ~~the question which shall appear on the ballot shall be "Shall (name of district) be~~
14 ~~authorized to borrow the sum of \$.... for (state purpose) by issuing its general~~
15 ~~obligation promissory note (or notes) under section 67.12 (12) of the Wisconsin~~
16 ~~Statutes?"~~

le ******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))?

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

18 82.03 (2) (b) The town board, by resolution, submits to the electors of the town
19 as a referendum at a ~~general or special town~~ an election authorized under s. 8.065
20 (2) the question of exceeding the limit set under this subsection. A copy of the
21 resolution shall be filed as provided in s. 8.37. The board shall abide by the majority
22 vote of the electors of the town on the question. The question shall read as follows:

1 Shall the town of spend up to \$.... over, which is the annual limit of the
2 product of \$5,000 multiplied by the miles of highway under the jurisdiction of the
3 town measured by the most recent highway mileage for the town, as determined
4 under section 86.302 of the Wisconsin Statutes, for the construction, maintenance,
5 and repair of its highways and bridges?

6 FOR SPENDING AGAINST SPENDING

ce *****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))?

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

8 86.21 (2) (a) Before any such toll bridge is constructed or acquired under this
9 section, a resolution authorizing the construction or acquisition thereof, and
10 specifying the method of payment therefor, shall be adopted by a majority of the
11 members of the governing body of such county, town, village, or city at a regular
12 meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The
13 resolution shall include a general description of the property it is proposed to acquire
14 or construct. Any county, town, village, or city constructing or acquiring a toll bridge
15 under this section may provide for the payment of the same or any part thereof from
16 the general fund, from taxation, or from the proceeds of either municipal bonds, or
17 revenue bonds or as otherwise provided by law. Such resolution shall not be effective
18 until 15 days after its passage and publication. If, within said 15 days, a petition
19 conforming to the requirements of s. 8.40 ~~is filed with the clerk of such municipality,~~
20 ~~and filed as provided in s. 8.37,~~ signed by at least ~~20%~~ 20 percent of the electors
21 ~~thereof of the municipality, and~~ requesting that the question of acquiring such toll
22 bridge be submitted to the said electors, ~~such~~ is filed with the clerk of the
23 municipality as provided in s. 8.37, the question shall be submitted at the next

1 ~~general or regular municipal~~ election authorized under s. 8.065 (2) that is held not
2 sooner than 70 days from the date of filing such petition. The question submitted to
3 the electors shall specify the method of payment for such toll bridge as provided in
4 the resolution for the acquisition thereof. If no such petition is filed, or if the majority
5 of votes cast at such referendum election are in favor of the acquisition of such toll
6 bridge, then the resolution of the governing body for the acquisition of such toll
7 bridge shall be in effect.

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

9 92.11 (4) (c) *Wording of ballot question; procedure.* The county board shall
10 include the wording of the question to be placed before the electors in the referendum
11 as a part of the ordinance adopted under this section or the revision to an ordinance
12 adopted under this section. Upon the adoption of the ordinance or revision the county
13 board shall forward a copy of the ordinance or revision to the county clerk who shall
14 cause the question to be placed before the voters of the affected area in the next
15 ~~spring or general~~ election occurring authorized under s. 8.065 (2) that occurs not less
16 than 70 days after the adoption of the ordinance or revision. The form of the ballot
17 shall correspond substantially to the form prescribed under s. 5.64 (2).

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

19 117.20 (2) The clerk of each affected school district shall publish notice, as
20 required under s. ~~8.55~~ 10.06 (4), in the territory of that school district. The
21 procedures for school board elections under s. 120.06 (9), (11), (13), and (14) apply to
22 a referendum held under this section. The school board and school district clerk of
23 each affected school district shall each perform, for that school district, the functions
24 assigned to the school board and the school district clerk, respectively, under those
25 subsections. The form of the ballot shall correspond to the form prescribed by the

1 government accountability board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each
2 affected school district shall file with the secretary of the board a certified statement
3 prepared by the school district board of canvassers of the results of the referendum
4 in that school district.

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

6 119.48 (4) (b) The communication shall state the purposes for which the funds
7 from the increase in the levy rate will be used and shall request the common council
8 to submit to the voters of the city the question of exceeding the levy rate specified in
9 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 partisan primary? Do you want to permit the board to make its request at a special election as that term has been modified in this bill? See also the treatment of s. 119.48 (4) (c), below.

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

11 119.48 (4) (c) Upon receipt of the communication, the common council shall file
12 the communication as provided in s. 8.37 and shall cause the question of exceeding
13 the levy rate specified under s. 65.07 (1) (f) to be submitted to the voters of the city
14 at the ~~September election or at a special election~~ partisan primary. The question of
15 exceeding the levy rate specified under s. 65.07 (1) (f) shall be submitted so that the
16 vote upon exceeding the levy rate specified in s. 65.07 (1) (f) is taken separately from
17 any other question submitted to the voters. If a majority of the electors voting on the
18 question favors exceeding the levy rate specified under s. 65.07 (1) (f), the common
19 council shall approve the increase in the levy rate and shall levy and collect a tax
20 equal to the amount of money approved by the electors.

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

22 119.49 (1) (b) The communication shall state the amount of funds needed under
23 par. (a) and the purposes for which the funds will be used and shall request the

1 common council to submit to the voters of the city at the next election ~~held in the city~~
2 authorized under s. 8.065 (2) the question of issuing school bonds in the amount and
3 for the purposes stated in the communication.

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

5 119.49 (2) Upon receipt of the communication, the common council shall file the
6 communication as provided in s. 8.37 and shall cause the question of issuing such
7 school bonds in the stated amount and for the stated school purposes to be submitted
8 to the voters of the city at the next election ~~held in the city~~ authorized under s. 8.065
9 (2). The question of issuing such school bonds shall be submitted so that the vote
10 upon issuing such school bonds is taken separately from any other question
11 submitted to the voters. If a majority of the electors voting on the school bond
12 question favors issuing such school bonds, the common council shall cause the school
13 bonds to be issued immediately or within the period permitted by law, in the amount
14 requested by the board and in the manner other bonds are issued.

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

16 120.06 (8) (f) After the spring primary, if any, after the spring election, and after
17 any special primary, or special election ~~or referendum~~, assure that the returns are
18 canvassed as provided in sub. (14) and s. 7.53 (3).

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

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

20 121.91 (3) (a) If a school board wishes to exceed the limit under sub. (2m)
21 otherwise applicable to the school district in any school year, it shall promptly adopt
22 a resolution supporting inclusion in the final school district budget of an amount
23 equal to the proposed excess revenue. The resolution shall specify whether the

1 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the
2 proposed excess revenue is for both recurring and nonrecurring purposes, the
3 amount of the proposed excess revenue for each purpose. The resolution shall be filed
4 as provided in s. 8.37. Within 10 days after adopting the resolution, the school board
5 shall submit a copy of the resolution to the department and shall notify the
6 department of the scheduled date of the referendum ~~and submit a copy of the~~
7 ~~resolution to the department. The school board shall call a special referendum to be~~
8 called for the purpose of submitting the resolution to the electors of the school district
9 for approval or rejection. ~~In lieu of a special referendum, the school board may~~
10 ~~specify that the~~ The referendum shall be held at the next succeeding ~~spring primary~~
11 ~~or election or partisan primary or general election, if such election is to be held~~
12 authorized under s. 8.065 (2) that occurs not sooner than 70 days after the filing of
13 the resolution of the school board. The school district clerk shall certify the results
14 of the referendum to the department within 10 days after the referendum is held.

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

16 197.04 (1) (b) If within either of the 90-day periods described in par. (a) a
17 petition conforming to the requirements of s. 8.40 is filed with the clerk of the
18 municipality as provided in s. 8.37 and the petition has been signed by ~~5%~~ 5 percent
19 of the electors of a 1st class city or by ~~10%~~ 10 percent of the electors of all other
20 municipalities requesting that the question of discontinuing the proceeding to
21 acquire the plant or equipment of the public utility be submitted to the electors of the
22 municipality, the applicable question under par. (c) shall be submitted to the electors
23 at any ~~general or regular municipal~~ election authorized under s. 8.065 (2) that is held
24 not less than 70 ~~and not more than 75~~ days from the date of the filing of the petition.
25 ~~If no general election or regular municipal election is to be held within the stated~~

1 ~~periods, the governing body of the municipality shall order the holding of a special~~
2 ~~election, to be held not less than 70 days from the date of filing of the petition, for the~~
3 ~~purpose of submitting the question to the electors.~~

6
****NOTE: Please review the changes to this provision to ensure that they accomplish your intent.

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

5 197.04 (2) The governing body of the municipality may provide for notice of,
6 the manner of holding, the method of voting on, the method of making returns of, and
7 the method of canvassing and determining the result of, the election required under
8 sub. (1). Notice of the election to the electors shall be given by a brief notice of that
9 fact once a week for 3 weeks in some newspaper of general circulation published in
10 the municipality. If no newspaper of general circulation is published in the
11 municipality, publication may be made in any newspaper of general circulation in the
12 county seat of the county in which the municipality is located. ~~The notice of holding~~
13 ~~any special election shall be incorporated as a part of the notice given under this~~
14 ~~subsection.~~

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

16 197.10 (2) Such contract when adopted by the common council of said city and
17 accepted by the owner or owners of such public utility shall be submitted to the public
18 service commission for its approval and upon such approval the same shall be filed
19 as provided in s. 8.37 and submitted in such manner as the common council shall
20 determine to a vote of the electors of such city at the next ~~regular municipal~~ election
21 ~~or at a special election called for that purpose~~ authorized under s. 8.065 (2), and such
22 contract shall not become binding upon such city until approved by a majority vote
23 of the qualified electors of such city voting thereon. No bonds shall in any case be

1 issued by said city under the contract or contracts mentioned in sub. (1), until the
2 proposition of their issue shall have been submitted to the people of such city and
3 adopted by a majority of the electors voting thereon.

ce ****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?

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

5 198.19 (1) Any territory, constituting one or more municipalities contiguous to
6 a district, may be annexed to and become a part of such district to all intents and
7 purposes and with like effect as though originally included therein upon such terms
8 and conditions as the board of directors of the district shall fix by ordinance adopted
9 by the affirmative vote of two-thirds of the directors-elect, provided that before such
10 ordinance becomes effective the same shall be accepted and ratified by the
11 affirmative vote of a majority of the qualified electors entitled to vote and voting in
12 a ~~special election~~ referendum called and held for that purpose, at any election
13 authorized under s. 8.065 (2), in each municipality proposed in such ordinance to be
14 annexed to the district. Such ordinance shall be published and such election shall
15 be noticed, held, and conducted, as nearly as may be, in the manner provided by this
16 chapter for the noticing, holding, and conduct of elections upon the organization of
17 a municipal power district, except that the returns of such election and the ballots
18 therein shall be delivered to the clerk of the district. The results of said election shall
19 be canvassed publicly by the directors of the district.

ce ****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))?

20 SECTION 68. Initial applicability.

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

LRB-1771/P1dn
TKK:sat:am

P2dn

Wij

Date

Representative Bernier:

I spoke with Andrew Hanus about this draft on Friday, May 17. In our conversation, he instructed me to add special elections to s. 8.065; this section specifies those elections at which a referendum may be held.

Andrew and I also discussed the questions of timing raised in the drafter's note and embedded notes in the previous draft. He indicated that you agreed with the approach I took to the various issues in the /P1. As a result of that discussion, I have eliminated most of the embedded notes and retained most of the text from the previous draft. I have, however, kept a small handful of notes that raised less generic questions. Please review these questions and let me know if you wish to make any changes to the draft.

In an effort to get this draft through editing as expeditiously as possible, this draft does not contain an analysis; an analysis will be prepared for 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/P2dn
TKK:wlj:jm

May 20, 2013

Representative Bernier:

I spoke with Andrew Hanus about this draft on Friday, May 17. In our conversation, he instructed me to add special elections to s. 8.065; this section specifies those elections at which a referendum may be held.

Andrew and I also discussed the questions of timing raised in the drafter's note and embedded notes in the previous draft. He indicated that you agreed with the approach I took to the various issues in the /P1. As a result of that discussion, I have eliminated most of the embedded notes and retained most of the text from the previous draft. I have, however, kept a small handful of notes that raised less generic questions. Please review these questions and let me know if you wish to make any changes to the draft.

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Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-9867
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Kuczenski, Tracy

From: Hanus, Andrew
Sent: Thursday, May 16, 2013 7:18 PM
To: Kuczenski, Tracy
Cc: Zuleger, Chad
Subject: LRB 1771/P1 - Scheduling of Referenda

Tracy,

We have read through the P draft and talked it over with some others. We understand that generally, other than a few questions about phrasing, your in-draft notes fall into the three categories you outlined in your DN. We should talk this through tomorrow, particularly regarding #3 (the amount of time that may or must pass between a specified action and the scheduling of a referendum), but these are our general answers:

- 1.) If a special election is scheduled already for another purpose (i.e., filling a vacancy), then it should be OK to hold a referendum at that special election as well.
- 2.) Yes, if the statute currently requires a "vote" by the citizens, that should be treated as a referendum. The bill is consistent with our intent in this regard.
- 3.) Regarding timing, our initial reaction is that 70 days is the general notice requirement for referenda, and that it should be applied consistently. However, we do not know of the full affect this would have on some aspects of local governance and want to reach out to some stakeholders on this, but also welcome your insight as well.

Thanks for your work on this. Let's talk this through tomorrow.

Thanks again,

Andrew

Andrew Hanus
Office of Assembly Speaker Vos
211 West, State Capitol
Phone: (608) 266-9171

Kuczenski, Tracy

From: Hanus, Andrew
Sent: Tuesday, May 21, 2013 10:25 AM
To: Kuczenski, Tracy
Cc: Zuleger, Chad
Subject: RE: Draft review: LRB -1771/P2 Topic: Elections - eliminate most special elections

Hi Tracy,

Below please find our answers to the embedded drafter's notes. Thank you!

- P. 6 – No. Keep it as drafted so that it may be submitted at any election under 8.065(2)
- P. 11 – No change because it should already be governed by 8.37
- P. 19 - No change because it should already be governed by 8.37
- P. 23 – No change because it should already be governed by 8.37
- P. 27 – No change because it should already be governed by 8.37
- P. 31 – Both sections 58 and 59 should be changed to allow the question to be presented at a any election as defined under 8.065(2), rather than just the partisan primary

Andrew

From: LRB.Legal
Sent: Monday, May 20, 2013 4:43 PM
To: Hanus, Andrew
Subject: Draft review: LRB -1771/P2 Topic: Elections - eliminate most special elections

Draft Requester: Rep. Kathleen Bernier

Following is the PDF version of draft LRB -1771/P2 and drafter's note.