

No. 495, A.]

[Published August 1, 1949.]

**CHAPTER 566.**

AN ACT to renumber 47.07 (8) to be 47.07 (8) (a); to repeal 40.07 (1a) and (1b); to amend 40.43, 40.51 (2) and 40.52 (1) (introductory paragraph); and to create 17.03 (11), 17.26 (3), 40.07 (1a), (1b), (1c), (1d); 40.07 (8) (b) and 40.42 (1m) of the statutes, relating to the election of school boards.

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

SECTION 1. 17.03 (11) of the statutes is created to read:

17.03 (11) Upon the failure of the first annual school meeting of a school district to elect school board members for the district.

SECTION 2. 17.26 (3) of the statutes is created to read:

17.26 (3) In boards where the first annual meeting of the district has failed to elect school board members, by appointment by the state superintendent of public instruction.

SECTION 3. 40.07 (1a) and (1b) are repealed.

SECTION 4. 40.07 (1a), (1b), (1c) and (1d) of the statutes are created to read:

40.07 (1a) Any school district, except those operating pursuant to sections 40.50 to 40.60, may at any annual school district meeting or at any special school district meeting called for such specific purpose, by resolution initiated upon the petition of 30 electors filed with the district clerk and adopted by a majority of the ballots cast in favor of such resolution, change the number of school board members in the district as follows:

(a) Any school district with a population of 500 or more may have either 3 or 5 school board members.

(b) Any school district operating grades one through 12 or kindergarten through 12 may have either 3, 5 or 7 school board members.

(c) Any school district containing a city of the fourth class in which a high school is maintained may have either 3, 5 or 7 school board members.

(d) Any school district containing a city or cities of the second, third or fourth classes and operating schools with grades one through 12 or kindergarten through 12 may have a school board of 3, 5, 7 or 9 members.

(1b) When a petition is presented to change the number of school board members under subsection (1a), the district clerk shall incorporate into his notice of the annual or special district meeting a statement that at such meeting the question of changing the number of school board members will be voted upon. If no annual or special district meetings are held in the district, such question shall be determined by referendum as provided in section 40.07 (2a).

(1c) (a) Whenever any of the school districts described in subsection (1a) with more than 3 school board members shall vote to reduce the number of members on the school board at any annual or special school district meeting called for the purpose, or at any referendum election, one less school board member shall be elected annually thereafter until the total number of school board members shall be reduced to the approved number, but not less than one shall be elected each year.

(b) Whenever a school district shall vote to increase the number of school board members the school district clerk shall prepare a plan for the selection of the school board members to be elected in the future, providing:

1. The number of school board members thereafter to be elected each year, distributing the number as evenly as possible.

2. The number of vacancies to be filled in the first election for 1, 2 and 3 years and thereafter to be filled for 3 years.

3. The method of allocating the specific positions for 1, 2 and 3 year terms to be filled in the first election by the successful candidates taking into consideration that the 3 year terms be filled by the candidate or candidates receiving the highest numbers of votes, the 2 year terms to be filled by the candidate or candidates receiving the next highest numbers of votes and the one year terms to be filled by the successful candidate or candidates receiving the next highest number of votes.

4. In case of a tie vote in the election of school board members, the election shall be determined by lot and the loser by lot shall become next in order of election if additional positions on the board are to be filled.

5. The tenure of members whose terms have not expired shall not be affected.

(1d) After the first election under subsection (1c) each member of the board shall be elected for a term of 3 years, and until his successor is elected and qualifies. Said board at its first regular meeting shall elect new officers of the board from among its members as follows for a term of one year: a director, a clerk and a treasurer except as otherwise provided in this subsection. All provisions of this chapter relating to the power and duties of the school district board and of the officers of the school district shall apply to the board and the director, clerk and treasurer provided for by this subsection. All members of such board shall be officers of the district, and the compensation of the director, clerk, treasurer and other members of the board shall be the amount fixed at each annual district meeting for the ensuing year. All members shall be chosen from the district at large except as hereinafter enumerated.

SECTION 5. 40.07 (8) is renumbered 40.07 (8) (a) of the statutes.

SECTION 6. 40.07 (8) (b) of the statutes is created to read:

40.07 (8) (b) Any school district maintaining a school or schools offering instruction in grades one through 12 or kindergarten through 12 and containing within its boundaries a city of the second, third or fourth class, or village, may adopt the method provided in paragraph (a) for the election of its school board, but such election shall be held on the first Tuesday in April. At such elections the electors of the district shall vote at the polling place where they normally vote for state, local and judicial officers, and the election officials for state and local elections shall serve.

SECTION 7. 40.42 (1m) of the statutes is created to read:

40.42 (1m) Any union free high school district may elect to increase membership on the board to 5, 7 or 9 in the manner provided by section 40.07.

SECTION 8. 40.43 of the statutes is amended to read:

40.43 In all school districts which embrace all of the territory of any city, however organized, and including joint districts \* \* \* the district board, board of education or other board in charge may employ for a period not longer than 3 years at a time, a superintendent to supervise and manage the schools \* \* \* under the direction of such employing board.

SECTION 9. 40.51 (2) of the statutes is amended to read:

40.51 (2) The electors residing in such attached territory shall have the right to vote on all school matters which are submitted to or are voted on by the city electors, and may exercise such right at the \* \* \* polling place \* \* \* where they are required to vote at state, local and judicial elections.

SECTION 10. 40.52 (1) (introductory paragraph) of the statutes is amended to read:

40.52 (1) (introductory paragraph) The school affairs of each city referred to in section 40.50 shall be managed by a board of education consisting of the same number of members and selected in the same manner as such board was constituted and selected at the time of the taking effect of this subsection. *Electors residing in any area attached to the city for school purposes may be elected or appointed to and may serve upon the city board of education in the same manner as electors of the city. If the members of the city board of education are not elected at large the school board members to serve the attached area shall be chosen as follows: If city board members are elected by wards then each municipality in the attached area shall elect the same number of board members as are elected from each city ward; if city board members are appointed by the mayor or elected by the council then there shall be elected from the entire attached area a number of school board members equal to the quotient obtained by dividing the latest census popu-*

*lation of the attached area by the city population per city school board member, with a major fraction counting as an additional board member. In no case shall the attached have less than one school board member. The electors residing in such attached territory shall vote on all school matters in the manner and at the time provided in section 40.51 (2). Such board shall continue to be so constituted and selected until and unless changed by referendum vote of the electors of such city school district as herein provided. Any such city school districts desiring to change the number of members of such board or the manner of selecting them, or both, may do so either by an ordinance adopted by the council and approved by a referendum vote of the electors of the city school district or by an initiated ordinance under the provisions of section 10.43 or by resolution adopted by the electors of the city school district at a referendum election initiated by a petition signed by 300 electors of the district. Either of the following 2 plans may be adopted and the provisions thereof shall be set forth in the ordinance:*

Approved July 28, 1949.

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